



**ALASKA STATE BOARD OF REGISTRATION FOR  
ARCHITECTS, ENGINEERS, AND LAND SURVEYORS**

**TENTATIVE AGENDA**

**MAY 10, 2023 (DAY 1)**

**Zoom link:**

<https://us02web.zoom.us/j/82228212922?pwd=SDB1TUdOVDRV0NMM2V4cEhQ2TWVaZz09>

**Teleconference:** 253-215-8782

**Meeting ID:** 822 2821 2922

**Password:** 206107

**Meeting Details**

Meeting Start Time: 9:00 a.m.

Meeting Start Date: 5/10/2023

Meeting End Time: 5:00 p.m.

Meeting End Date: 5/11/2023

Meeting Location: University of Alaska Anchorage

**Agenda**

1. 9:00 am - Call to Order/Roll Call/Virtual Notice
2. 9:05 am - Review/Amend/Approve Agenda
3. 9:07 am General Information Items (No Discussion)
  - A. Mission Statement
  - B. Virtual Meeting Code of Conduct
  - D. National Organization Updates

4. 9:10 am – Consent Agenda

**ITEM #1: Meeting Minutes**

- A. Feb 8-9 Minutes
- B. Feb 24 Minutes
- C. Mar 16 minutes

**Board Members:**

**Catherine Fritz**  
*Architect (Chair)*

**Jeffrey Garness**  
*Engineer other than  
those listed (Vice  
Chair)*

**Edward Leonetti**  
*Landscape Architect  
(Secretary)*

**Robert (Bob) Bell**  
*Land Surveyor*

**Brent Cole**  
*Public Member*

**Elizabeth Johnston**  
*Electrical/Mechanical*

**Loren Leman**  
*Civil Engineer*

**Jake Maxwell**  
*Land Surveyor*

**Randall Rozier**  
*Architect*

**Sterling Strait**  
*Civil Engineer*

**Fred Wallis**  
*Mining Engineer*

**Board Staff:**

**Sara Neal**  
*Executive  
Administrator*

**Kelly Johnson**  
*Licensing Examiner*

**Upcoming Meetings:**

August 23-24, 2023

ITEM #2: Outgoing Correspondence

- A. February 24, 2023 – Senator Bjorkman  
RE: Issues of Concern with SB73
- B. March 23, 2023 -Keith Merrick  
RE: Use of title “Engineer”
- C. April 14, 2023 – Representative Sumner  
RE: HB159
- D. April 27, 2023 – Senator Wielechowski  
RE: SB126 – Architect/Engineer Registration Board-Section 9
- E. May 1, 2023 – UA Graduate Letter

ITEM #3: Outreach Reports

- A. February 2023 – AIA Board Update – Fritz / Rozier
- B. March 22, 2023 – SEAAK Meeting - Strait

ITEM #4: General Board Business

- A. NCEES – Kelly Johnson Associate Member
- B. CE Audit Update
- C. Continuing Education audit example

ITEM #5: Upcoming Meeting Dates

- A. NCARB Annual Business Meeting – June 15-17<sup>th</sup>, Tampa, FL – Fritz/Neal
- B. NCEES Annual Business Meeting – August 15-18<sup>th</sup>, Boston, MA – Fritz / Johnston / Maxwell / Strait / Neal
- C. CLARB Annual Business Meeting – September 20-22<sup>nd</sup>, Henderson, NV – Leonetti / Neal

- 5. 9:15 am - Ethics Reporting
- 6. 9:30 am – Division Update
- 7. 9:45am – Annual Report – Fritz / Garness
- 8. 10:30am – Break
- 9. 10:45am – Strategic Plan -
- 10. 11:30am – Public Comment
- 11. 12:00pm – Lunch

Outreach Event – SEAAK – In person and Virtual

May 10-11<sup>th</sup>, 2023 – Agenda

12. 1:30pm – Old Business

- A. Create new policy for 36.010 j staff approval – Fritz / Neal
- B. Update Continuing Education links on website - Neal
- C. Review AELS Regulations to remove any barriers to licensure due to foreign transcripts – Fritz / Rozier
- D. ADEC Working Group Update – Garness / Leman
  - i. ADEC RE: Comments on Sealing of Record
- E. Interior Design Regulation Update:
  - i. ID Working Group Update
  - ii. SB73 Status
  - iii. Board Discussion (amended version of SB73)

13. 3:00pm – Break

14. 3:15pm – Correspondence

- A. Incoming
  - i. Industrial Exemption and Enforcement of PE Licensure Requirements
  - ii. Use of seal as art – Garness / Fritz
  - iii. Public Testimony – SB73
  - iv. National Organization’s support letter for SB126

15. 3:30pm – New Business

- A. Engineering Testing Center Locations – Strait
- B. Sealing Plans / Possible FAQs – Johnston
- C. Direct Supervision: Reviewing and stamping another person’s work – Garness
- D. Definition of Office - Johnston

16. 4:00pm – License Examiner’s Report

17. 4:10pm – Application Review Questions

- A. Sean O’Neill

18. 4:30pm – Recess for day

## MAY 11, 2023 (DAY 2)

### Zoom link:

<https://us02web.zoom.us/j/83504027634?pwd=ZDI5TEwzckZvY2tyUGVTcXArMlV6QT09>

**Teleconference:** 253-215-8782

**Meeting ID:** 835 0402 7634 **Password:** 901196

19. 9:00am – Reconvene

20. 9:05am - Regulation Projects – board member brief the board with new info – up to 10 minute summary per item – Regulation Spreadsheet

A. SE regulations- Strait

i. Historical SE Exams

B. Regulation project to revise term “Responsible Charge” in regulation – Legislative Liaison Committee – Garness / Leman

C. CE regulation changes – Continuing Education Committee

D. 12 AAC 36.068 – LA by Exam - Leonetti

E. 12 AAC 36.185- Digital Signatures - Johnston

F. 12 AAC 36.040 – Simplified application for examination – Johnston / Rozier / Leonetti

G. Regulation project for Architectural Engineering – Johnston, Legislative Liaison Committee

21. 10:45am - Break

22. 11:00am – Committee Updates

A. Guidance Manual - Rozier

i. Record Drawing Paragraph

ii. Board Policies and Historical Information

23. 11:30am – Public Comment

24. 12:00pm – Lunch

25. 1:00pm – State Fire Marshall - Lloyd Nakano

26. 1:10pm – Investigative Report - Kase

27. 1:30pm – Committee update cont. (Agenda Item #22)

B. Investigative Advisory Committee - Leonetti

i. Discipline Matrix

ii. Review of 3 top license actions to develop newsletter articles for

May 10-11<sup>th</sup>, 2023 – Agenda



C. Continuing Education - Johnston

- i. Cold Regions Design – Triannual review
- ii. Offering an on demand Cold Regions Design course

D. Outreach Committee – Maxwell

- i. Align Outreach Plan with board meeting schedule
- ii. Certificate of Authorization article for newsletter

E. Legislative Liaison Committee - Leman

- i. Statute project status

28. 3:00pm – Committee Goal Setting and Annual Report Input

29. 4:00 pm - Read Applications into Record

30. 4:10 pm - Review of Action Items

31. 4:20 pm – Upcoming Meeting Dates:

A. AELS August Board Meeting – August 23-24<sup>th</sup>

B. Set date for November 2023 Board Meeting

32. 4:25 pm - Board Member Comments

33. 4:30 pm - Adjourn

Alaska Board of Registration for Architects, Engineers, and Land Surveyors

**Motion & Roll Call Sheet**

Made by: \_\_\_\_\_

Date: May 10, 2023 Time: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**MOTION**

I move to approve the May 10-11<sup>th</sup>, 2023, AELS board meeting agenda.

**PASSES UNANIMOUSLY?** Yes\_\_\_\_ No\_\_\_\_

**PASSES by ROLL CALL?** Yes\_\_\_\_ No\_\_\_\_

Roll Call Vote	Yes	No	Abstain
Bell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cole	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fritz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maxwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rozier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strait	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wallis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendment by: \_\_\_\_\_

*State of Alaska*  
*Board of Registration for Architects,*  
*Engineers, and Land Surveyors*

## **MISSION STATEMENT**

**The board's mission is to protect the public health, safety, and welfare through the regulation of the practice of architecture, engineering, land surveying, and landscape architecture by:**

- **ensuring that those entering these professions in this state meet minimum standards of competency, and maintain such standards during their practice; and**
- **enforcing the licensure and competency requirements in a fair and uniform manner.**



## Alaska Division of Corporations, Business and Professional Licensing

# Virtual Meeting Code of Conduct

I understand that by participating in any virtual board meeting or event hosted by the Division of Corporations, Business and professional Licensing, **I am agreeing to the following code of conduct:**

### Expected Behavior

- Because CBPL and its boards value a diversity of views and opinions, all board members, invited guests, members of the public, and division staff will be treated with respect.
- Be considerate, respectful, and collaborative with fellow participants.
- Demonstrate understanding that the board is following a business agenda and may reasonably change it to ensure meeting efficiency. Unless invited ahead of time to address the board, the chair may recognize members of the public to speak for a limited time during the public comment period.
- Recognize the chair has the authority to manage the meeting, and staff may intercede to assist, if needed.
- All participants are also subject to the laws applicable in the United States and Alaska.

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### Unacceptable Behavior

- Harassment, intimidation, stalking or discrimination in any form is considered unacceptable behavior and is prohibited.
- Physical, verbal or non-verbal abuse or threat of violence toward of any board member, invited guest, member of the public, division staff, or any other meeting guest/participant is prohibited.
- Disruption of any CBPL board meeting or hosted online session is prohibited.
- Examples of unacceptable behavior include:
  - Comments related to gender, gender identity or expression, age, sexual orientation, disability, physical appearance, body size, race, religion, national origin, political affiliation;
  - Inappropriate use of nudity and/or sexual images in presentations;
  - Use of music, noise, or background conversations as a disruption. While this may happen briefly or incidentally, prolonged or repeated incidents are prohibited.
  - Shouting, badgering, or continued talking over the speaker who has been recognized by the chair.

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### Reporting Unacceptable Behavior

If you or anyone else in the meeting is in immediate danger or threat of danger at any time, please contact local law enforcement by calling 911. All other reports should be made to a member of the senior management team.

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### Consequences

If the director of the division determines that a person has violated any part of this code of conduct, CBPL management in its sole discretion may take any of the following actions:

- Issue a verbal or written warning;
- Expel a participant from the meeting;
- Suspend attendance at a future meeting – both virtual and in-person;
- Prohibit attendance at any future CBPL event – both virtual and in-person;
- Report conduct to an appropriate state entity/organization;
- Report conduct to local law enforcement.



## National Organizations' Updates

For current information on the national organizations please click on the following links:

- A NCEES: [www.ncees.org](http://www.ncees.org)
- B NCARB: [www.ncarb.org](http://www.ncarb.org)
- C CLARB: [www.clarb.org](http://www.clarb.org)



# Consent Agenda

## ITEM #1: Meeting Minutes

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- B. Feb 24 Minutes
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## ITEM #1

### Meeting Minutes:

- A Reviewed and Approved: February 8-9<sup>th</sup>, 2023
- B Reviewed and Approved: February 24<sup>th</sup>, 2023"
- C Reviewed and Approved: March 16<sup>th</sup>, 2023



DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

## BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND LAND SURVEYORS

CONDENSED MINUTES OF THE MEETING HELD FEBRUARY 8-9<sup>TH</sup>, 2023

*These are DRAFT minutes prepared by staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.*

Date:	February 8-9 <sup>th</sup> , 2023
Time:	9am – 4:30pm
Location:	Virtual
Attending:	<p><u>Board Members</u>: Catherine Fritz (Chair), Jeff Garness (Vice Chair), Ed Leonetti (Secretary), Bob Bell, Brent Cole, Elizabeth Johnston, Loren Leman, Ed Leonetti, Jake Maxwell, Randall Rozier, Sterling Strait, Fred Wallis</p> <p><u>Division Staff</u>: Sara Neal, Patrick Kase, Erika Prieksat, Holly ####, Sylvan Robb, Melissa Dumas, Marilyn Zimmerman, Julianne Kim</p> <p><u>Public</u>: Robert Colles, Colin Maynard, Roy Robertson, Pat Brandon, Aaron Dotson, Sonja Peshkoff, Charity Bear, Darlene Galido, Nellie Ballou, Tonya Bear, Chris Miller</p>
Absent:	Feb 8 – Brent Cole <i>excused</i>

<b>1. Call to Order / Roll Call - Bob Bell, Catherine Fritz, Jeff Garness, Elizabeth Johnston, Loren Leman, Ed Leonetti, Jake Maxwell, Randall Rozier, Sterling Strait, and Fred Wallis</b>	
<b>2 – 3. Mission Statement / Virtual Meeting Code of Conduct</b>	
<b>4. Review / Amend / Approve Agenda – 9:05am</b>	
<i>Motion to approve agenda</i>	<p>On a Motion made by Bob Bell to approve the agenda as amended by adding agenda items 9(K), 18(A), 19(A)(ii), 24(A) &amp; (B)., seconded by Jeff Garness and approved unanimously, it was:</p> <p><i>RESOLVED to approve the amended agenda.</i></p>
<b>5. Review / Approve Nov 9-10<sup>th</sup>, 2022, Minutes 9:10am</b>	
<i>Motion to approve Nov 2022 minutes</i>	<p>On a Motion made by Loren Leman, seconded by Bob Bell and approved unanimously, it was:</p> <p><i>RESOLVED to approve the November 9-10th, 2022, meeting minutes.</i></p>
<b>6. 2022 Strategic Plan / Overview of Nov 2022 meeting action items 9:20am</b>	
<b>7. Ethics Reporting – 9:25am</b>	
Brief Discussion:	<p>Johnston attended NCEES Exam Policy and Procedure which NCEES funded. Garness met with ADEC Commissioner Brune regarding regulatory issues and made it clear he was not speaking as a representative of the AELS Board.</p>
<b>8. Investigative Report – Patrick Kase – 9:30am</b>	
Brief Discussion:	<p>Kase shared the Investigative Report dated October 27, 2022 – January 30, 2023. In looking at the tables in the information Prieksat provided, Fritz asked that the columns be stretched so the category named was on one line. The information in the tables provided was for the last five years and can be updated using the investigative reports given at each Board meeting.</p>

9. Old Business (Per action item list)	
A. Create new policy for 36.010(j) staff approval – Fritz/Neal	This task has not yet been done. Elizabeth Johnston volunteered to help with this task
B. Digital signatures review – Johnston	After the Nov 2022 meeting, it was decided to not change regulation, but instead clarify digital signatures within the Guidance Manual. Firms contacted AELS to let us know that the clarification would not work with their processes. Johnston said a regulation change is needed.
<i>Motion for Regulation Project 12AAC 36.185(f)</i>	On a Motion made by Elizabeth Johnston, seconded by Sterling Strait and approved unanimously via roll call vote, it was:  <i>RESOLVED to start a regulation project to amend 12AAC 36.185 (f) regarding digital signatures.</i>
C. CE Audit Update - Neal	Marilyn Zimmerman is working through the audits that were referred to her. The number of audits has gone up as lapsed registrants under audit renew their registration.
D. ID Working Group - Fritz	The last meeting was in the fall. They were hoping to schedule a meeting early this year. The idea for the next step is to draft legislation together.
E. Online application process for Temporary Military Registration – 12AAC 36.112 - Neal	As of January 30 <sup>th</sup> , 2023, someone can apply for a temporary military registration. Neal is working with the publication team to get the online application process up and running. Neal reminded the Board that once someone applies, the Board has 30 days to issue the temporary registration.
F. Add architectural engineering as an alternate degree to civil engineering to Board Policies and Historical Information - Neal	This task has been completed
G. Review AELS regulations to remove any barriers to licensure due to foreign transcripts – Fritz/Rozier	To become licensed in the U.S., foreign applicants must go through an onerous process. With NCARB it is an expensive process as well. Fritz and Rozier are working with NCARB to see if there is any way to remove barriers to licensure in Alaska.
H. FAQs for the regulation projects approved in 11/2022 meeting - Neal	This task has been completed
I. Review Test, Inc. Proposal for AKLS to be offered twice a year – Bell/Maxwell/ Neal	Bell, Maxwell, and Neal met with Jack Warner (Test, Inc.) to discuss question validity, offering it twice a year, and offering it through different member boards.
J. UAA – call to discuss CE classes offered and clarify requirements for CE credits – Fritz	Fritz found on the UAA Continuing Education website that it stated the courses they offered and a link to the AELS website for the person to see what the state CE requirements are for their profession. Fritz found two things that needed to be changed on the AELS website. The log needs to indicate that the subject matters must be relevant to the person's registration and the examples on the website use an outdated CE Log form so they need to be replaced with new examples. Task – find good examples from the current audit to post on the website – Leman Task – Correct CE Log and post to website - Neal

K. APDC – February 14-16 <sup>th</sup> , 2023 – Johnston	Feb 28 <sup>th</sup> -March 3 <sup>rd</sup> – no APDC legislative agenda was given to AELS. In the past, they have indicated they would work with AELS on issues to talk with legislators. Leman asked that they look at the AELS proposed statute changes and offer their support when talking to legislators and mention to the administration that boards should be able to travel to hold a meeting in Juneau. Task – Maxwell to touch base with APDC to give them the drafted AELS statute changes
10. Break – 10:45 am	
11. New Business – 11:00 am	
A AKLS Exams	<p>i. Exam Dates – Apr &amp; Oct The 2023 dates have been set for April 14 and October 20. It was decided to keep the test at two hours and monitor whether it becomes a barrier to licensure.</p> <p>ii. Discuss details – proctoring and possibly extending test from 2 hours to 2.5 or 3 hours. The AELS Board will allow for another jurisdiction's state agency to proctor the exam so as the time it is offered coincides with the time it's offered in Alaska.</p>
B ADEC regulatory verbiage – Discuss possible Ad Hoc Committee to collaborate with ADEC – Garness/Fritz	<p>In ADEC's proposed regulations have used incorrect terms that are in conflict with AELS's statutes and regulations. Garness would like AELS to form an ad hoc committee to collaborate with ADEC to help them come up with verbiage that would meet their objectives but also agree with AELS statutes and regulations. Leman offered to help work with Garness to address the issues with ADEC.</p> <p>Task: Garness and Leman work with ADEC on collaborating on addressing ADEC's regulations that are in conflict with AELS's.</p>
<i>Motion for ADEC Working Group</i> Motion made on 2/9 (10:09am) after reading the advice given by the DOL on the Open Meetings Act	<p>On a Motion made by Jeff Garness, seconded by Loren Leman and approved unanimously, it was:</p> <p><i>RESOLVED to form a working group to address the issues surrounding ADEC wastewater regulations (18AAC 72) with the work being completed by the end of calendar year 2023.</i></p>
C Update to Board Policies and Historical Information – Fritz	<p>Fritz has done an initial review of this document. She asks that board members review this document and send suggested changes to the Guidance Manual Committee. Johnston suggested taking the application review policies and making them a separate document and leave this as a historical document.</p> <p>Task: Neal will distribute the document to the Board for review. All suggestions need to be sent to Neal. The Guidance Manual Committee will review the board comments.</p>
12. Public Comment – 11:30 am	
	<p>Colin Maynard, both a civil and structural engineer, called in and shared that he is APDC's spokesperson for the fly-in. He asked for AELS to send APDC their statute changes so it could be included in APDC's support position statement document. As a former board member, Maynard remembers the record drawing issue with ADEC. Maynard remembers Board officers serving for the fiscal year – July-June. Maynard does think that the structural engineer regulations should be stand-alone regulations.</p> <p>Aaron Dotson, civil engineer, supports including peer reviewing an article as an eligible activity for continuing education.</p> <p>Patrick Brandon, civil and structural engineer, called into talk about the new NCEES SE exam and the proposed SE regulations particularly with regards to experience. He offered to help Strait with the regulation project if needed.</p>

	<p>Roy Robertson, civil and environmental engineer, spoke as member of public and not as a state employee. He is concerned as plan modifications made in the field are not always done with the public health, safety, and welfare in mind. Garness said that the Board understood the issues and is willing to work with ADEC to ensure the public is safe. Johnston suggested he file complaints with the investigator.</p>
13. Lunch - Noon	
14. Agenda Item 11 – New Business Cont.	
<p>A Board Officer nominations / elections</p> <p><i>Motion for 2023 Board Officers</i></p>	<p>A motion was made by Bob Bell and seconded by Loren Leman, to approve Catherine Fritz for Chair, Jeff Garness for Vice Chair and Ed Leonetti for Secretary for the AELS Board. Johnston amended the motion to approve Jeff Garness for Chair, Ed Leonetti for Vice Chair, and no secretary. It did not get a second. Johnston made another amendment to the motion, seconded by Ed Leonetti to approve Catherine Fritz for Chair.</p> <p>Vote on Amendment: Yes- Leonetti, Rozier, Strait, Johnston No- Leman, Maxwell, Garness, Fritz, Bell, Wallis</p> <p>Amendment failed via roll call vote</p> <p>Rozier amended the motion, seconded by Johnston, to approve Catherine Fritz for Chair, Strait for Vice Chair, and Leonetti for Secretary.</p> <p>Strait respectfully declined so Rozier withdrew his amendment.</p> <p><i>It was RESOLVED to approve via roll call vote Catherine Fritz for Chair, Jeff Garness for Vice Chair and Ed Leonetti for Secretary for the AELS Board</i></p> <p>Vote on Motion: Yes - Bell, Garness, Leman, Leonetti, Maxwell, Rozier, Wallis No – Johnston, Strait</p>
B 2023 Annual Report	Garness and Neal will be working on this document and have a draft for the Board’s review and approval during the May Board meeting.
15. Regulation Projects – 1:30pm	
A 12 AAC 36.105 (h) and (i) – SE by Comity – Strait	Strait shared the history of how SEs ended up in the same regulations as other engineers and the changes he made to the AELS regulations to have SEs have separate regulations.
<i>Motion for SE regulation changes</i>	<p>On a Motion made by Sterling Strait, seconded by Ed Leonetti and approved unanimously via roll call vote, it was:</p> <p><i>RESOLVED to approve the structural engineer regulation changes by repealing 12 AAC 36.063 (k), adding 12AAC 36.071, adding paragraph (g) to 12AAC 36.100, repealing 12 AAC 36.105 (h), repealing and readopting 12 AAC 36.108, repealing 12 AAC 36.990 (a)(17), amending 12 AAC 36.990 (a)(42) and repealing 12AAC36.990(a)(47)</i></p>
B Regulation project to revise term “Responsible Charge” in regulation – Legislative Liaison Committee – Garness/Leman	The definition needs to be changed from two parts – “in the field” and “in the office” and combined into one simple, but complete definition that uses a different term than responsible charge. The term responsible charge needs to be reserved for registered professionals. Garness and Leman are willing to look into changes that might need to be made in the statute project possibly through an amendment

<i>Motion for statute project</i>	<p>On a Motion made by Ed Leonetti, seconded by Jeff Garness, and approved unanimously via roll call vote, it was:</p> <p><i>RESOLVED to approve the Legislative Liaison Committee to amend the statute project to include modifications to the references to responsible charge, direct supervision, and similar terms and forward to Senator Bjorkman/Senate Labor and Commerce Committee.</i></p>
C CE Regulation Changes – Continuing Education Committee	<p>As the proposed regulations were discussed there was an issue that required a straw poll before voting on the regulation changes.</p> <p>12AAC36.520(a)(5) – should there be a limit on hours that can be earned by participating in a professional or technical organization? No: Bell, Garness, Johnston, Leman, Leonetti, Maxwell, Strait, Wallis, Fritz; Yes: Rozier</p> <p>Task: Guidance Manual Committee – once CE regulations have been signed into law, add examples of what would be considered a “professional or technical organization.” (12AAC36.520(a)(5))</p> <p>Task: Guidance Manual Committee – once CE regulations have been signed into law, add examples of what would qualify as a “Self-Study” PDH – possible using the examples Johnston had from Texas</p>
<i>Motion for CE regulation project</i>	<p>On a Motion made by the Continuing Education Committee and approved unanimously via roll call vote, it was:</p> <p><i>RESOLVED to approve the Continuing Education regulation changes in Article 5 12AAC 36.500-550 as proposed by the Continuing Education Committee in the February 8-9th, 2023 meeting and as modified during the meeting.</i></p>
Proposed 12 AAC 36.530(e)	<p>Bob Bell proposed an exemption for CEs for those that have practiced for over 25 years practicing in the registrant’s discipline.</p>
<i>Motion for 12AAC36.530(e)</i>	<p>On a Motion made by Bob Bell, seconded by Fred Wallis, it was proposed to amend 12 AAC 36.530 to add exemption (e) that states “A professional architect, engineer, land surveyor, or landscape architect is partially exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 if they have practiced as a professional architect, engineer, land surveyor or landscape architect for a duration of 25 or more consecutive years in an NCARB, NCEES, or CLARB recognized jurisdiction.</p> <p>Sterling Strait, seconded by Jake Maxwell, amended the motion to add “partially exempt and require 8 hours per renewal cycle” It was approved via roll call vote. Yes: Fritz, Garness, Leman, Leonetti, Maxwell, Rozier, Strait. No: Bell, Johnston, Wallis</p> <p>Ed Leonetti, seconded by Elizabeth Johnston, amended the motion to change the years to “a duration of 30 or more consecutive years.” It was approved via roll call vote. Yes: Bell, Johnston, Leman, Leonetti, Rozier, Strait. No: Fritz, Garness, Maxwell, Wallis</p> <p><i>RESOLVED to approve 12AAC 36.530 (e) to read as follows: A professional architect, engineer, land surveyor, or landscape architect is partially exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 if they have practiced as a professional architect, engineer, land surveyor, or landscape architect for a duration of 30 or more consecutive years in a NCEES, NCARB, or CLARB recognized jurisdiction. They must complete 8 hours per renewal cycle</i></p>

	Approved via roll call vote: Yes: Bell, Fritz, Garness, Leman, Leonetti, Maxwell, Strait, Wallis. No: Johnston, Rozier
<i>Motion for Regulation Change to 12AAC 36.520 (d) and (h)</i> 2/9 10:30am	On a Motion made by Bob Bell, seconded by Elizabeth Johnston, and approved unanimously via roll call vote, it was:  <i>RESOLVED to approve the regulation changes to 12 AAC36.520 d and h to add verbiage to conform to 12AAC 36.530(e).</i>
Recess Day 1 – 4:30pm (#22 on Agenda) Reconvene – Day 2 – February 9 <sup>th</sup> – 9:00am (#23 on Agenda) – Roll Call: Brent Cole, Jeff Garness, Elizabeth Johnston, Loren Leman, Jake Maxwell, Randall Rozier, Sterling Strait, Fred Wallis, Catherine Fritz	
D Regulation Changes from Nov 2022 Meeting  <i>Motion for Regulation Changes to go out for public notice 2/9 10:56am</i>	On a Motion made by Elizabeth Johnston, seconded by Loren Leman, and approved unanimously via roll call vote, it was  <i>RESOLVED to approve regulation changes to 12 AAC 36.063 (c)(l) and (2) &amp; (j), 12 AAC 36.067, 12 AAC 36.100(d), 12 AAC 36.107(a)(3), 12AAC 36.920, and 12 AAC 36.990(a)(47) for public notice.</i>
E 12 AAC 36.068 – LA by Exam – Leonetti – 2/9	Leonetti anticipates having verbiage for the board to review during the May meeting.
F 12 AAC 36.040 – Simplified application for examination – Johnston / Rozier / Leonetti – 2/9	Both NCARB and NCEES, have voted to eliminate the 5 year rolling clock to pass all parts of the exam out of their model law. Fritz did a quick straw poll found that the board agreed to change the AELS regulations to comply with NCARB and NCEES’s model law.
G Regulation Project for Architectural Engineering – Johnston / Legislative Liaison Committee – 2/9	It was decided to wait until an in person meeting to discuss this topic.
16. Break – 2:30pm	
17. Licensing Examiner’s Report – 2/9	
18. Application Review Questions – 2/9 10:45am	
A Andrew Fortt	Applicant applying CE by Exam has a non-abet undergraduate degree in a different branch of engineering than he is applying for and a PhD degree in material science from Dartmouth’s engineering college. Johnston pointed out 12AAC 36.063 (b) that states “ <i>If the education is not in the branch of engineering in which the applicant seeks registration, the board will determine the amount of credit to be given based on comparability with the branch of engineering for which the applicant has applied for registration.</i> ” The board agreed that applicant could be approved to sit for the PE CE exam.
19. Correspondence	
A Incoming	i. Sonja Peshkoff (2/8) Due to EESA not finding her foreign degree equivalent to a NAAB degree, and not having a current license in a foreign country, there is not presently a pathway forward for licensure in Alaska. Sonja Peshkoff called into the meeting to explain her situation to the Board and answer questions. Fritz, Rozier and Neal are working with NCARB to try and find a pathway to licensure.

	ii. Brent Morrison – Board agreed after reviewing his letter, he is offering to practice engineering in the state and would need to be registered in Alaska.
B Outgoing	In Board packet i. Thank-you note to UAA for use of room for the Nov 2022 board meeting. ii. Listserv email – NCEES asking MEs to participate in survey
20. Outreach Reports – 2/9 – 11:05am	
A Nov 2022 Board update for AIA – Fritz	In Board packet
B AEELS – Nov 2022 Outreach Event – Maxwell	In Board packet
C Request Senator Bjorkman / Senate Labor & Commerce Committee sponsor AEELS’s statute changes – Leman	In Board packet
D International Code Council – Johnston	In Board packet – presentation is in the Board resources in Onboard – Johnston did make note that there is an error in the presentation – investigations no longer require a complaint to be notarized.
21. National Organizations: Issues and Announcements – 2/9 -11:15am	
A CLARB	Leonetti is watching CLARB’s work with ICOR and will keep the Board current on any developments.
B NCARB	Fritz notified the Board that in addition to the change in the 5-year rolling clock policy, NCARB is also putting forth a resolution to change its board governance structure. A change to the definition of responsible charge will also be proposed by Mississippi in a resolution at the annual meeting.
C NCEES	Johnston gave a presentation on NCEES examinations. NCEES is changing the format of the PS exam and is proposing it be split into two parts – PS Exam, which would cover core and boundary, and the PLSS – Public Land Surveying System. Alaska would need to decide if it would require both exams. The SE is switching to CBD with four parts and will have a breadth component. It is not in the board packet since it has proprietary information in it.
22. <del>Recess for day – 4:30pm</del> Moved to after Agenda Item #15 C	
23. <del>Reconvene – Day 2 – February 9<sup>th</sup> – 9:00am</del> Moved to after Agenda Item #15 C	
24. Division Update – 2/9 - 9:05am	
A 2nd Quarter Update	Director Sylvan Robb introduced herself to the Board. Johnston asked if those Board members that volunteer on national organizations’ committees that do not require them to be a board member have to go through the state travel process. Johnston suggested an ethics declaration that stated they were going to serve on a certain committee as a private professionally registered citizen.

	Melissa Dumas talked the board through the 2 <sup>nd</sup> Quarter of FY23 report.
B Open Meetings Act	After discussing the memo, Fritz decided to make a motion to form a Working Group to address the issues on agenda item 11 (B).
25. Executive Session – 9:40am	
Board members present: Bob Bell, Catherine Fritz, Jeff Garness, Elizabeth Johnston, Loren Leman, Ed Leonetti, Jake Maxwell, Randall Rozier, Sterling Strait, Fred Wallis	
Staff present: Sara Neal, Marilyn Zimmerman, Julienne Kim	
<i>Motion to enter Executive Session</i>	On a Motion made by Jeff Garness for the Alaska Board of Registration for Architects, Engineers and Land Surveyors to enter executive session in accordance with AS 44.62.310 C. 2 and 3, and the Alaska constitutional right to privacy provisions for the purpose of reviewing case numbers 2022-000433, 2022-000510, and 2022-000706, seconded by Fred Wallis and approved unanimously, it was:  <i>RESOLVED to enter Executive Session.</i>
<i>Motion Danny O. Graham, Professional Structural Engineer Registration #AELT14022, CASE #2022-000433 – 10:00am</i>	On a Motion made Jeff Garness having examined the consent agreement of the Professional Structural Engineer Registration in the matter of Danny O. Graham, Professional Structural Engineer Registration #AELT14022, CASE #2022-000433, adopts the consent agreement, decision and order in its entirety, effective immediately upon signature of this order in accordance with the approval by the board, seconded by Loren Leman and approved via roll call vote it was:  <i>RESOLVED to adopt the consent agreement for Danny O. Graham in its entirety</i>  Recorded Votes: Yes – Cole, Fritz, Garness, Johnston, Leman, Maxwell, Rozier, Strait, Wallis Abstain – Bell, Leonetti
<i>Motion Frank L. Eichler, Professional Mechanical Engineer Registration #AELM4396, CASE #2022-000510 – 10:02am</i>	On a Motion made Jeff Garness having examined the consent agreement of the Professional Mechanical Engineer Registration in the matter of Frank L. Eichler, Professional Mechanical Engineer Registration #AELM4396, CASE #2022-000510, adopts the consent agreement, decision and order in its entirety, effective immediately upon signature of this order in accordance with the approval by the board, seconded by Loren Leman and approved via roll call vote it was:  <i>RESOLVED to adopt the consent agreement for Frank L. Eichler in its entirety</i>  Recorded Votes: Yes – Cole, Fritz, Garness, Johnston, Leman, Maxwell, Rozier, Strait, Wallis Abstain – Bell, Leonetti



<p><i>Motion Robert D. Harthorne, Professional Architect Registration #AELA8414, CASE #2022-000706 – 10:03am</i></p>	<p>On a Motion made Jeff Garness having examined the consent agreement of the Professional Architect Registration in the matter of Robert D. Harthorne, Professional Architect Registration #AELA8414, CASE #2022-000706, adopts the consent agreement, decision and order in its entirety, effective immediately upon signature of this order in accordance with the approval by the board, seconded by Loren Leman and approved via roll call vote it was:</p> <p><i>RESOLVED to adopt the consent agreement for Robert D. Harthorne in its entirety</i></p> <p>Recorded Votes:  Yes – Cole, Fritz, Garness, Johnston, Leman, Maxwell, Rozier, Strait, Wallis  Abstain – Bell, Leonetti</p>
26. Break – 10:30am	
27. Committee Updates – 11:23 am	
A Guidance Manual	<ul style="list-style-type: none"> <li>i. Record Drawings Paragraph The committee did not have a consensus on the Record Drawings paragraph</li> <li>ii. Guidance for Construction Drawings After receiving input from the board, the Guidance Manual composed a list for what might be required for construction drawings in Appendix A. After conducting a straw poll, it was decided to do not include it in the Guidance Manual. The appendix will</li> </ul>
<i>Motion to remove Appendix A and references to it from the Guidance Manual</i>	<p>On a Motion made by Randall Rozier, seconded by Elizabeth Johnston, and approved unanimously, it was:</p> <p><i>RESOLVED to approve to remove Appendix A – Guidelines for Construction Drawings and references to Appendix A from the Guidance Manual.</i></p>
B Investigative Advisory Committee	<ul style="list-style-type: none"> <li>i. Discipline Matrix – Johnston shared her work on a new matrix. The committee and Kase will review to see if the sanctions are appropriate.</li> <li>ii. Certificate of Authorizations – lapsed licenses. Currently, AELS imposes a \$50 late fee. Leonetti suggests that outreach is done to get out the information firms needing COAs.</li> <li>iii. Redacted investigative cases - Leonetti suggested using the top three violations in the report Prieksat gave board to educate registrants on what not to do. Kase could give example cases that the board could pull information from for education.</li> </ul> <p>Task: Outreach on firms needing a Certificate of Authorization</p>
28. Public Comment – 11:30am	
	<p>Roy Robertson commented on the Record Drawings paragraph and Garness suggested having Robertson review the paragraph before being approved by the committee.</p> <p>Chris Miller commented on different matters in the board packet and expressed his support of the work the board is doing and suggested that the LA definition be worked on to be clearer.</p>
29. Lunch - Noon	
30. Committee Updates (Agenda Item 27 Continued)	

C Continuing Education A Cold Regions Design – Triannual review	Johnston distributed a check sheet for the committee to review the courses. The reviews should be completed before the May board meeting	
D Outreach Committee	<ul style="list-style-type: none"><li>i. Newsletter Review – Leonetti asked that the LA’s be given their own category in the pie chart.</li><li>ii. National Engineers’ Week</li><li>iii. Align Outreach Plan with board meeting schedule – events need to be planned to justify in person Board meetings.</li><li>iv. Offering an on demand Cold Regions Design course – this task is being reassigned to the Continuing Education Committee. Johnston informed the Board that UAF has the capabilities and Garness suggested that current classes be recorded and then offered online in an on-demand format.</li></ul>	
Motion for 2023 Newsletter	On a Motion made by Jake Maxwell, seconded by Sterling Strait, and approved unanimously, it was:  RESOLVED to approve the February 2023 AELS Newsletter and the content within for distribution to AELS registrants.	
E. Legislative Liaison Committee	<ul style="list-style-type: none"><li>i. Statute project status – Leman updated the Board that the project has been drafted by Legislative Legal. Leman will respond to their questions and comments. Leman did ask Senator Bjorkman to keep this bill separate from a possible interior design bill should it be proposed. Based on yesterday’s conversation, an amendment might be offered by AELS on the term “responsible charge.” An amendment might also be needed for structural engineer since in regulation AELS is making them separate from PEs.</li><li>ii. May be possible for Leman to come to Juneau to talk with legislators</li></ul>	
31. 2023 Committee Assignments – 2:00pm		
<u>Guidance Manual</u> Randall Rozier (Chair) Jake Maxwell Loren Leman Ed Leonetti Brent Cole	<u>Investigatory Advisory</u> Ed Leonetti (Chair) Jake Maxwell Brent Cole Elizabeth Johnston	<u>Legislative Liaison</u> Loren Leman (Chair) Elizabeth Johnston Bob Bell Jeff Garness Ed Leonetti
<u>Outreach</u> Jake Maxwell (Chair) Randall Rozier Fred Wallis Sterling Strait	<u>Continuing Education</u> Elizabeth Johnston (Chair) Bob Bell Jeff Garness	<u>Planning and Implementation</u> Catherine Fritz (Chair) Ed Leonetti Sterling Strait  <u>Emeritus Status</u> Fred Wallis
32. Read Applications into the Record – 2:30pm		
Motion for APPROVED applications	On a Motion made by Ed Leonetti, seconded by Bob Bell, and approved unanimously, it was:  RESOLVED to approve the following list of applicants for registration by comity and examination with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.	

<b>LICENSE #</b>	<b>FIRST NAME</b>	<b>LAST NAME</b>	<b>TYPE OF LICENSE</b>	<b>FEBRUARY DECISION</b>
201851	MARIELA	BAYER	ARCH	Approved
202278	CHAD	BROSSMAN	ARCH	Approved
197131	RICHARD	CARSTENS	ARCH	Approved
203271	DAVID	CLAYTON	ARCH	Approved
201839	JOHN	GORSKI	ARCH	Approved
202437	KEVIN	HARNEY	ARCH	Approved
204110	KEVIN	KENNEDY	ARCH	Approved
204180	BRADLEY	WALTERS	ARCH	Approved
202893	PETER	ACTON	CE	Approved
204422	TARIK	BINOY	CE	Approved
201866	ANNA	CASADY	CE	Approved
202985	SAMUEL	CHRISTIE	CE	Approved
202492	STEVEN	HOLLABAUGH	CE	Approved
202077	CURTIS	INGRAM	CE	Approved
202372	EDWARD	MASCORRO	CE	Approved
203806	TABER	MIDGLEY	CE	Approved
201819	CYRUS	NIAMIR	CE	Approved
204418	ZACHARY	OLIN	CE	Approved
204069	NEIL	PIETROK	CE	Approved
192928	MICHAEL	RECORDS	CE	Approved
204166	BRIAN	SMITH	CE	Approved
204385	ANDREW	STRAHLER	CE	Approved
202283	ROBIN	SWEENEY	CE	Approved
203141	DEREK	TORDELLA	CE	Approved
201928	JARED	WEISMAN	CE	Approved
202430	CRAIG	ZWERNEMAN	CE	Approved
202531	DANIEL	PACE	CS	Approved
204114	RYAN	FISH	EE	Approved
202557	SCOTT	JACOBS	EE	Approved
202424	GRANT	JAMISON	EE	Approved
200177	KEFF	KURELLA	EE	Approved
201987	WESLEY	BROWN	ME	Approved
204396	JOHN	HARRINGTON	ME	Approved
202479	FELIX	RANTOW	ME	Approved
204435	JEREMY	WERNER	NM	Approved
195442	STEVEN	AUSTIN	SE	Approved
202982	STEVEN	PETROFF	SE	Approved
201750	COREY	PRICE	SE	Approved

*Motion for CONDITIONALLY  
APPROVED applications*

On a Motion made by Ed Leonetti, seconded by Bob Bell, and approved unanimously, it was:

*RESOLVED to conditionally approve the following list of applicants for registration by comity and examination with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.*

LICENSE #	FIRST NAME	LAST NAME	TYPE OF LICENSE	FEBRUARY DECISION
203846	COURTNEY	HADDICK	ARCH	Conditional
203813	MICHAEL	LEISHMAN	Arch	Conditional
203529	ROBERT	METOYER	ARCH	Conditional
201849	JAMES	STAPLETON	ARCH	Conditional
191251	EMILY	STEELE	ARCH	Conditional
204443	ERIC	BLACKMON	CE	Conditional
202746	GONZALO	CABRERA	CE	Conditional
197838	JULIO	CANDRAY	CE	Conditional
204387	NATHANIEL	COX	CE	Conditional
203634	JOSSELYN	CURRY	CE	Conditional
204452	DANIEL	DAHMS	CE	Conditional
203854	MIKAYLA	DAIGLE	CE	Conditional
204575	DARRON	DERRICK	CE	Conditional
203268	ANDREW	FORTT	CE	Conditional
202742	JOMAA	HASSINE	CE	Conditional
204416	MITCHELL	SHAFFER	CE	Conditional
201822	GREGOR,Y	SHAVLIK	CE	Conditional
203874	RALPH	SINNOK	CE	Conditional
203591	JARED	SMITH	CE	Conditional
202290	NICHELE	SMITH	CE	Conditional
203876	CHRISTOPHER	STEPOVICH	CE	Conditional
204077	EMILY	TURNER	CE	Conditional
113852	MATTHEW	VANDERMEER	CE	Conditional
204172	AARON	WEBER	CE	Conditional
203873	KELLY	YANOSHEK	CE	Conditional
203915	CRAIG	BJORKLUND	EE	Conditional
204580	BALAKRISHNAN	KANDOTH	EE	Conditional
198468	SARA	MARSHALL	EV	Conditional
204336	ALEXANDER	GONZALES	FP	Conditional
203807	ABRAM	NIELSEN	LA	Conditional
203834	COLLEEN	WOLFE	LA	Conditional
204339	JOSEPH	DONOHUE	LS	Conditional
204390	KATIE	KIRSIS	LS	Conditional
180545	ALEC	VEECHUK	LS	Conditional
203983	VS	BRECHTEL	LS	Conditional
204048	CHUCK	CAMPBELL	ME	Conditional
204446	REBEKAH	JENSEN	ME	Conditional

LICENSE #	FIRST NAME	LAST NAME	TYPE OF LICENSE	FEBRUARY DECISION
203877	HASAN	DEILAMI	SE	Conditional
149386	Kevin	ROSS	SE	Conditional
203615	JIAN	XU	SE	Conditional

<i>Motion for INCOMPLETE applications</i>	<p>On a Motion made by Ed Leonetti, seconded by Bob Bell, and approved unanimously, it was:</p> <p><i>RESOLVED to find the following applicant for registration by examination incomplete with the stipulation that the information in the applicant's files will take precedence over the information in the minutes.</i></p>
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LICENSE #	FIRST NAME	LAST NAME	TYPE OF LICENSE	FEBRUARY DECISION
203410	SEAN	O'NEILL	LS	Incomplete

33. Review of Action Items – 2:45pm

34. Upcoming Meeting Dates – 2:50pm

- A Fire Marshal Forum – February 15-17<sup>th</sup> – Anchorage, AK
- B NCARB Regional Summit – March 3-4<sup>th</sup> – Honolulu, HI
- C NCARB Exam Committee – March 24-25<sup>th</sup> – San Diego, CA
- D NCEES Western Zone – April 27-29<sup>th</sup> – Houston, TX
- E AELS May Board Meeting – May 10-11<sup>th</sup> – Anchorage, AK
- F NCARB Annual Business Meeting – June 15-17<sup>th</sup> – Tampa, FL
- G NCEES Annual Business Meeting – August 15-18<sup>th</sup> – Boston, MA
- H AELS August Board Meeting – August 23-24<sup>th</sup> – Location TBD
- I CLARB Annual Business Meeting – September 20-22<sup>nd</sup>, 2023 – Las Vegas, NV

<i>Motion for delegates to the NCEES Zones annual business meeting in August 2023.</i>	<p>On a Motion made by Fred Wallis, seconded by Loren Leman, and approved unanimously, it was:</p> <p><i>RESOLVED to approve to send Fred Wallis, Sterling Strait, and Jake Maxwell as AELS's fully funded delegates and Catherine Fritz as an alternate and Executive Administrator, Sara Neal, to the 2023 NCEES Annual Business Meeting.</i></p>
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35. Board Member Comments – 3:00pm

36. Adjourn – 3:15pm

Next Meeting:	May 10-11, 2023 – Anchorage, AK
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DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
**BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS**

**CONDENSED MINUTES OF THE MEETING HELD FEBRUARY 24, 2023**

*These are DRAFT minutes prepared by staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board*

Date:	February 24, 2023
Time:	10-11am
Location:	Virtual
Attending:	<u>Board Members:</u> Catherine Fritz, Jeff Garness, Ed Leonetti, Bob Bell, Elizabeth Johnston, Loren Leman, Randall Rozier, Sterling Strait, Fred Wallis <u>Staff:</u> Sara Neal, Kelly Johnson <u>Public:</u> Barbara Cash, Mary Knopf, Colin Maynard, Cara Rude, Brian Miessner, Larry Cash, Melissa Priblyl, Jessica Cederberg, Matt Barush, Lauren Earley, Cayce, Ashley Killian, Kelsey Davidson
Absent:	Excused: Brent Cole and Jake Maxwell

<b>1. Call to Order/Roll Call 10:02am – Bob Bell, Jeff Garness, Elizabeth Johnston, Loren Leman, Ed Leonetti, Randall Rozier, Fred Wallis, Sterling Strait joined late</b>	
<b>2 and 3 Mission Statement and Virtual Meeting Code of Conduct</b>	
<b>4. Review / Amend / Approve Agenda</b>	
<i>Motion for meeting agenda:</i>	On a Motion made by Ed Leonetti, seconded by Bob Bell and approved unanimously, it was:  <i>RESOLVED to approve the agenda for February 24, 2023, as amended by adding a possible discussion regarding the AELS May Board meeting dates to agenda item 10.</i>
<b>5. Update on status of ID Working Group</b>	
Brief Discussion:	Fritz gave the history of the formation of the ID Working Group. Four IDs and four architects met five times. Reports from each profession were given to the board for review. No recommendations were made for legislation. In Fritz's opinion the group did agree that interior design is its own profession and is not a subset of architecture or engineering. In January 2023, the IDs communicated to the group that they were pursuing legislation.
<b>6. Differences between HB61 and SB73</b>	
Brief Discussion:	The Board's concerns were centered on the definitions in SB73 Sec 32 08.48.341 that gives the scope of practice for the interior designers.
<b>7. Concerns from the Legislative Liaison Committee about HB61 – 10/2021 and updated 3/2022</b>	
<b>8. Review new draft of Issues of Concern related to SB73</b>	
Brief Discussion:	Leman offered an amendment to Issue #1 in the Issues of Concern memo, suggesting that the scope of practice is too broad for statute and would be better suited for regulation or policy

Approval of Issues of Concern on SB73:	<p>On a motion made by Ed Leonetti, seconded by Jeff Garness and approved via roll call vote, it was:</p> <p><i>RESOLVED to approve Issues of Concern with SB 73 as presented, with Issue #1 amended conceptually as stated during today's meeting</i></p> <p>Yes: Bell, Fritz, Garness, Leman, Leonetti, Rozier, Strait, Wallis No: Johnston</p>
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#### 9. Appoint AELS spokesperson(s) for SB73

Motion for AELS spokespersons for SB73:	<p>Ed Leonetti moved and Bob Bell seconded to approve Catherine Fritz to speak on behalf of the AELS board on SB73. <i>(This motion was withdrawn in favor of an amended motion)</i>. Elizabeth Johnston moved and Ed Leonetti seconded to amend the original motion to add Loren Leman as an AELS spokesperson for SB73. The amended motion was approved unanimously via roll call vote. Thereby, it was:</p> <p>Thereby, it was:</p> <p><i>RESOLVED to approve Catherine Fritz and Loren Leman to speak on behalf of the AELS board on SB73.</i></p>
Motion for approved subject matter for AELS spokespersons on SB73:	<p>On a motion made by Jeff Garness, seconded by Ed Leonetti and approved unanimously via roll call vote, it was:</p> <p><i>RESOLVED to approve Catherine Fritz and Loren Leman to speak on behalf of the AELS board regarding the Issues of Concern expressed regarding SB73 including minor modifications to Item 1.</i></p>

#### 10. Meeting for board to review ID Working Group report and possible date change for the May board meeting.

Brief Discussion:	Neal will schedule another special board meeting to discuss the ID Working Group's reports as well as possibly rescheduling the May 10-11, 2023, board meeting.
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Next Meeting:	TBD
Adjournment:	11:12am

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
**BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS**

**CONDENSED MINUTES OF THE MEETING HELD MARCH 16, 2023**

*These are DRAFT minutes prepared by staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board*

Date:	March 16, 2023
Time:	Noon – 2pm
Location:	Hybrid – State Office Building Conf Rm D and Virtual
Attending:	Board Members: Catherine Fritz, Jeff Garness, Ed Leonetti, Bob Bell, Elizabeth Johnston, Loren Leman, Jake Maxwell, Randall Rozier, Sterling Strait, Fred Wallis Staff: Sara Neal, Kelly Johnson Public: Ryan Morse, Jessica Cederberg, Ramona Schimscheimer, Colin Maynard, Dana Nunn, Kelsey Davidson, Mary Knopf, Matt Barusch, David Parish, Paul Baril, Brenna Kakaruk, Chris Miller
Absent:	Excused: Brent Cole / Randall Rozier and Sterling Strait left at 1pm

<b>1. Call to Order / Roll Call – Bob Bell, Jeff Garness, Elizabeth Johnston, Loren Leman, Ed Leonetti, Jake Maxwell, Randall Rozier, Sterling Strait, Fred Wallis, Catherine Fritz</b>	
<b>2 and 3. Mission Statement and Virtual Meeting Code of Conduct</b>	
<b>4. Review / Amend / Approve Agenda</b>	
<i>Motion to approve agenda:</i>	On a motion made by Elizabeth Johnston, seconded by Ed Leonetti, approved unanimously it was:  <i>RESOLVED to approve the agenda as amended by adding 6 D, 7.5, 8, and 9.</i>
<b>5. AELS Letter to Senator Bjorkman w/Issues of Concern</b>	
Brief Discussion:	Fritz pointed out that the Issues of Concerns was sent with an error in Item 5. It states that 5 jurisdictions have practice acts and only 4 jurisdictions do.
<b>6. ID Working Group Report and Discussion</b>	
Brief Discussion:	A. ASID Report – Leonetti asked for an ID to talk the board through what steps were taken during the time frame after this report to the drafting of the bill. Dana Nunn shared with the board that there had been one more meeting after this report, but then due to traveling and deadlines, the ID Working Group had not been able to meet again. While considering the timeline for the legislative process and it being apparent there would not be time for the ID Working Group as a whole to draft a bill, they began drafting SB73 using information learned from the working group. It was clarified to the board that while architects and IDs have overlap of practice, IDs would like a registration that allows them to practice what is within their scope.
	B. AIA Report & AIA SB73 Position Statement – Ryan Morse confirmed that the date at the top should be March 13, 2023, and not 2022. AIA had the following concerns: they want a clear understanding of the boundaries of ID's work so that it can be interpreted easily and that the bill will not restrict the practice of existing interior designers that do not have the NCIDQ qualifications required for licensure. AIA's report cited cases where



	the practice act caused issues for the non-licensed interior designers to the point that the states switched back to a title act.
	C. ID Regulatory Models – Sara Chambers helped the ID Working Group with the different options for regulation. All 8 working group members agreed on the information in the models.
	<p>D. Next Steps</p> <p>Fritz offered the following possibilities: Make amendments to SB 73, the board could continue to study the issues surrounding SB73, the board could take a position on the current version of SB73 or it could take a position on the issues surrounding SB73, or the board could do nothing. Johnston suggested doing a survey that would gather feedback on SB73 from registrants. Bell asked the board to consider taking a position on whether or not IDs should be regulated by AELS during the May 2023 board meeting.</p> <p>The ID Working Group has scheduled a meeting for March 31, 2023. AIA is working on amendments to SB73 to present at that meeting. Board members should email Neal with any questions or concerns that they want the ID Working Group to consider by March 24.</p>
<b>7. Review Department of Law Comments on 2019 Regulation Project and Update on Statute Project</b>	
Brief Discussion:	<p>Due to a change in the review process in the Department of Law, the 2019 regulation project underwent a second review by DOL in which a few regulations were found to need attention from the board.</p> <p>Update on Statute Project: Leman approved and returned the third draft of the bill. It is in process with legislative legal and should be introduced by the Senate Labor &amp; Commerce Committee soon.</p>
<i>Motion to approve revision to 12AAC 36.010 (d) 3, 4, and 5</i>	<p>On a motion made by Elizabeth Johnston, seconded by Jake Maxwell, and approved via roll call vote it was:</p> <p><i>RESOLVED to revise 12AAC 36.010 (d) 3, 4, and 5 by replacing “board” with “board, the executive secretary of the board, or the board’s designee”</i></p> <p>Vote on Motion Yes: Fritz, Garness, Johnston, Maxwell, Wallis No: Bell, Leman, Leonetti</p>
<i>Motion to approve revision to 12AAC 36.990 (47)</i>	<p>On a motion made by Elizabeth Johnston, seconded by Loren Leman, and approved unanimously via roll call vote it was:</p> <p><i>RESOLVED to revise 12AAC 36.990 (47) to read “(47) progressive structural experience” means the experience gained by an applicant as a structural engineer while the candidate’s work included designs of one or more significant structures, under the responsible charge of a registered structural engineer.”</i></p>
<i>Motion to approve regulation project #2022200237 (2019 regulation project)</i>	<p>On a motion made by Elizabeth Johnston, seconded by Loren Leman, and approved unanimously via roll call vote it was:</p> <p><i>RESOLVED to approve regulation project #2022200237 as modified by the Department of Law and presented during the March 16, 2023, meeting.</i></p>
<b>8. Review of Action Item List</b>	

#### 9. Upcoming Meeting Dates

- A. NCARB Exam Committee – March 24-25th – San Diego, CA
- B. NCEES Western Zone – April 27-29th – Houston, TX
- C. AELS May Board Meeting – May 10-11th – Anchorage, AK – Travel has been approved.
- D. NCARB Annual Business Meeting – June 15-17th – Tampa, FL
- E. NCEES Annual Business Meeting – August 15-18th – Boston, MA
- F. AELS August Board Meeting – August 23-24th – Location TBD
- G. CLARB Annual Business Meeting – September 2023 – Las Vegas, NV

Next Meeting:	May 10-11, 2023 – UAA Engineering & Industry Building Anchorage, AK
Adjournment:	2:08pm



## ITEM #2

### Outgoing Correspondence:

- A Acknowledged and Sent: February 24, 2023 – Senator Bjorkman  
RE: Issues of Concern with SB73
- B Acknowledged and Sent: March 23, 2023 – Keith Merrick  
RE: Use of title “Engineer”
- C April 14, 2023 – Representative Sumner  
RE: HB159
- D Acknowledged and Sent: April 27, 2023 – Senator Bill Wielechowski  
RE: SB 126: Architect/Engineer Registration Board – Section 9
- E Acknowledged and Sent: May 1, 2023 – UA Graduate Letter



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

BOARD OF REGISTRATION FOR ARCHITECTS,  
ENGINEERS, AND LAND SURVEYORS

P.O. Box 110806  
Juneau, Alaska 99801-0806  
Main: 907.465.1676  
Toll free fax: 907.465.2974

February 24, 2023

The Honorable Jesse Bjorkman, Chair  
Senate Labor & Commerce Committee  
Alaska State Capitol, Room 9  
Juneau, Alaska 99801  
Sent via email to [laura.achee@akleg.gov](mailto:laura.achee@akleg.gov)

Dear Senator Bjorkman,

The Board of Registration of Architects, Engineers, and Land Surveyors (AELS) is providing this initial response to Senate Bill 73, "An Act relating to registered interior designers and interior design..." for your consideration in the Senate Labor & Commerce Committee. The bill adds the new profession of interior design to the responsibilities of the AELS Board.

Our Board met for a Special Meeting on February 24, 2023, to discuss our response to SB 73. Interior design registration has been a topic discussed by the Board for several years, especially the past two years with former HB 61.

We have also been monitoring the work of the Interior Design Working Group that began meeting in July 2022. This working group is comprised of four Alaskan architects and four interior designers who met five times to collaboratively address issues related to professional registration of interior designers. We understand that its work has not yet been completed, but as we explain in our attached commentary, its work product may be valuable for resolving at least some of the issues we raise. The AELS Board is currently polling its members to schedule another meeting soon to review findings of the Working Group to help us and you in considering SB 73.

We recognize your role is to develop the broader public policy positions and ours is to implement any legislation that is passed. However, we want to share our concerns with the Legislature and solve challenges together whenever possible. We continue to be dedicated to protecting the health, safety, and welfare of Alaskans through the design and construction of our built environments.

Thank you very much for your consideration.

Respectfully,

A handwritten signature in cursive script, appearing to read "Catherine Fritz".

Catherine Fritz, Chair  
AELS Board

## **AELS Board**

### **SB 73 Issues of Concern**

The AELS Board has reviewed SB 73, compared it to legislation proposed in the previous Legislature, discussed its impacts at a special meeting on February 24, 2023, and offers these comments:

1. The definitions related to Scope of Practice in Sec. 32 (AS 08.48.341) seem excessively broad and detailed. Parts of this section include activities that are outside of normal Health, Safety, and Welfare of the public. Our Board's main purpose is to protect these. Definitions and responsibilities need to be clear for the specific practice of interior design as a profession that is separate from architecture and engineering. This will minimize conflict and reduce enforcement issues. Instead of much of this detail appearing in statute, we believe it more appropriately belongs in regulation and policy. Similar matters are dealt with in our Guidance Manual.
2. Many passages in the bill are not aligned with existing statutory language for other design disciplines. The Board has worked very hard to build consistency, and requests that interior design language be similarly integrated.
3. We are aware of the workload and other impacts of adding a new design discipline and two members to our Board. We have had extensive staff turnover during the past three years, both in operations and enforcement. The complexities of our multi-discipline board are substantial, and we are concerned about adding a new discipline without thoroughly understanding its impacts. Interior designers may be better served through another regulatory framework.
4. SB 73 relies on The Council for Interior Design Qualification (CIDQ) to determine the adequacy of a candidate's Education, Experience, and Examination. The Board currently has three national organizations it relies on to assess the adequacy of this 3-legged stool. Each has robust systems in place that include writing and administering exams, developing standards for practice, and evaluating educational adequacy. CIDQ would become a fourth. Does CIDQ appropriately align with Alaska regulations, and is it similarly rigorous and collaborative? An example of potential concern is exam eligibility. AELS regulations require the Board to review and approve candidates before examination. We understand that CIDQ's approval for a candidate's exam is granted without regard to the Board's actions. CIDQ has verbally indicated it could work with Alaska to satisfy this requirement, but we have not yet seen its formal proposed solution.
5. It is important to understand that SB 73 establishes licensure for selected interior designers, referred to as "registered" through what is known as a "practice act,"<sup>2</sup> requiring that, unless exempted, anyone practicing interior design would be required to comply with statute and regulation, including education, examination, and experience. The more common framework for regulating interior design in the U.S. is through voluntary certification (approximately 27 states) while five jurisdictions regulate it through practice

acts (Nevada, Louisiana, North Carolina, Puerto Rico, and the District of Columbia). There are significant differences in regulated responsibility and authority in each jurisdiction, making it difficult to compare SB73 to the laws elsewhere. If SB73 were amended to certify interior designers through what is known as a “title act,” individuals who wish to use the title Interior Designer could be recognized through a voluntary process without being charged with health, safety, and welfare responsibilities in AELS statute and regulations. Although the AELS Board is not the body making public policy decisions like this, we suggest this might be an easier “first step” by proponents of the legislation.

6. At our May 2022 regular Board meeting, our chair recommended creating an Interior Design Working Group of architects and interior designers to meet to try to resolve these issues and produce recommendations. With leadership by interior designers, this group was formed, and we understand it met five times between mid-July and mid-November 2022, with more than 16 hours of discussion. However, we haven’t yet seen its work product and it appears it has not yet been incorporated into SB 73. That work may answer many of the questions and concerns we have.



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BOARD OF REGISTRATION FOR ARCHITECTS,  
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P.O. Box 110806  
Juneau, Alaska 99801-0806  
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March 23, 2023

KEITH P. MERRICK  
2111 FOREST PARK DRIVE  
ANCHORAGE, AK 99517  
Email: kmerrick@sgvinternational.com

RE: Use of title "engineer"

Dear Mr. Merrick:

You cannot use the title of "engineer" unless you are registered or you are a person to whom the provisions of 08.48 do not apply.

**Sec. 08.48.281. Prohibited practice.** (a) A person may not practice or offer to practice the profession of architecture, engineering, land surveying, or landscape architecture in the state, or use in connection with the person's name or otherwise assume or advertise a title or description tending to convey the impression that the

person is an architect, an engineer, a land surveyor, or a landscape architect, unless the person has been registered under the provisions of this chapter or is a person to whom these provisions do not apply, or, in the case of a corporation, limited liability company, or limited liability partnership, unless it has been authorized under this chapter.

So whom does 08.48 apply to?

Under 08.48.321 "evidence of practice" you are offering to practice engineering if you are engineering as defined by AS 08.48.341 or call yourself a title that implies you are an engineer of a type that we regulate.

**Sec. 08.48.321. Evidence of practice.** A person practices or offers to practice architecture, engineering, land surveying, or landscape architecture who

(1) practices a branch of the profession of architecture, engineering, land surveying, or landscape architecture as defined in AS 08.48.341;

(2) by verbal claim, sign, advertisement, letterhead, card, or other means represents to be an architect, engineer, land surveyor, or landscape architect, or through the use of some other title implies that the person is an architect, engineer, land surveyor, or landscape architect; or

(3) holds out as able to perform or who does perform an architectural, engineering, land surveying, or landscape architectural service recognized by the professions covered by this chapter, and specified in regulations of the board, as an architectural, engineering, land surveying, or landscape architectural service.

(14) "practice of engineering" means professional service or creative work, the adequate performance of which requires the specialized knowledge of applied mathematics and sciences, dealing with the design of structures, machines, equipment, utilities systems, materials, processes, works, or projects, public or private; the teaching of advanced engineering courses in institutions of higher learning; the direction of or the performance of engineering surveys, consultation, investigation, evaluation, planning, and professional observation of construction of public and private structures, works, or projects and engineering review of drawings and specifications by regulatory agencies; "practice of engineering" may by regulation of the board include architectural building design of minor importance, but it does not include comprehensive architectural services;

The exemptions to this are listed in 08.48.331 and include things like utilities doing work on their own systems (not a consultant to those utilities, who must still be registered).

The Statutory definition in 08.48.341 is very broad. The AELS Regulations further refine this by providing definitions for the branches of engineering that are regulated in the state in 12 AAC 36.990 "Definitions." There you will find the list of "professional engineering" branches defined as:

- (17) "professional engineering" includes the branches of
- (A) agricultural engineering;
  - (B) chemical engineering;
  - (C) civil engineering;
  - (D) control systems engineering;
  - (E) electrical engineering;
  - (F) environmental engineering;
  - (G) fire protection engineering;
  - (H) industrial engineering;
  - (I) mechanical engineering;
  - (J) metallurgical and materials engineering;
  - (K) mining and mineral processing engineering;
  - (L) naval architecture and marine engineering;
  - (M) nuclear engineering;
  - (N) petroleum engineering;
  - (O) structural engineering;

You will see that we do not offer definitions or regulate the use of titles including "network engineer" "systems engineer" or "software engineer" so the titles may be freely used without violation of regulation. Alaska briefly considered adding a practice for Software Engineers but did not do so after the discontinuation of the NCEES Software Engineering examination.

This does not mean you can simply not use an unprotected title and avoid professional licensure. You are still offering to practice "electrical engineering" if you are doing what is within the definition of "electrical engineering" in regulation even if you call yourself a "distribution engineer."

(8) "electrical engineering" means the branch of professional engineering that embraces studies and activities relating to generation, transmission and utilization of electrical energy, fire detection and alarm systems, control systems, electronic systems, and to telecommunications systems and facilities, including the design of electrical, electronic and magnetic circuits and components, and the technical control of their operation and of the design of electrical, fire alarm gear, control, electronic and telecommunications gear, and the organizational and economic aspects of these studies and activities;

Within that definition you will see that the practice of electrical engineering includes telecommunications systems and facilities. This has been interpreted in the past to include those systems with potential to impact the "life, health, property, and welfare of the public" so while the definition at face value is very broad and inclusive, if you are not using a regulated term i.e.. "Electrical Engineer" and are not doing work that impacts health, safety, welfare (HSW), then you are not required to be licensed.

There are specific technical scopes that are definitely health, safety, welfare in all of the examples you give but whether a particular design requires a licensed PE would have to be taken on a case-by-case basis and a broad interpretation that those job descriptions and/or titles are allowed without license would not be appropriate.

Just a few potential examples that could be HSW from your list:

- IP-based computer networks, these could be the only phone systems in a VOIP enabled building. If the building lacked a fire alarm system these could be the only employee-notification system in the building used to alert people to emergency events. Designing such a system does have HSW implications and would require a license.



- 2-way radio networks, if you used by 1st responders these would have HSW implications
- Intrusion Detection used to protect the occupants of a building.
- Access control used to protect the occupants of a building.
- ISP/OSP cabling, when installed in plenum spaces presents a hazard if not designed properly with appropriate cable shielding systems appropriate to not add nasty chemicals to the return air path.
- Fiber optic systems if you used for fire alarm systems are HSW.

Who the services are provided to does not matter unless it meets one of the exemptions above. (i.e. the Federal Government, utilities, etc.)

So, the answer to your question "Within the jurisdiction of the State of Alaska, are the telecommunications engineering "works" of the three classifications of employees described above, to be considered as specifically protected variations of Electrical Engineering and required to have the direct knowledge, oversight and control of an Alaska registered Professional Electrical Engineer with those telecommunications experience and competencies?" is:

It depends and must be carefully considered from the perspective outlined above.

If you have additional questions, let us know and we will endeavor to assist you,

Sincerely

A handwritten signature in blue ink that reads "Elizabeth Johnston". The signature is cursive and fluid.

Elizabeth T.B. Johnston, PE, FPE  
Board Member of the  
Alaska State Board of Registration for Architects, Engineers, and Land Surveyors



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GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

BOARD OF REGISTRATION FOR ARCHITECTS,  
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P.O. Box 110806  
Juneau, Alaska 99801-0806  
Main: 907.465.1676  
Toll free fax: 907.465.2974

April 14, 2023

The Honorable Jesse Sumner, Chair  
House Labor & Commerce Committee  
Alaska State Capitol, Room 421  
Juneau, Alaska 99801  
Sent via email to [House.Labor.And.Commerce@akleg.gov](mailto:House.Labor.And.Commerce@akleg.gov)

Dear Chair Sumner,

The Board of Registration of Architects, Engineers, and Land Surveyors (AELS) is providing this initial response to House Bill 159, "An Act relating to registered interior designers and interior design..." for your consideration in the House Labor & Commerce Committee. The bill adds the new profession of interior design to the responsibilities of the AELS Board.

Our Board met for a Special Meeting on February 24, 2023, to discuss our response to SB 73. SB 73 is identical to HB 159, so the discussion herein applies to HB 159 as well. Interior design registration has been a topic discussed by the Board for several years, especially the past two years with former HB 61.

We have also been monitoring the work of the Interior Design Working Group that began meeting in July 2022. This working group is comprised of four Alaskan architects and four interior designers who met five times to collaboratively address issues related to professional registration of interior designers. We understand that its work has not yet been completed, but as we explain in our attached commentary, its work product may be valuable for resolving at least some of the issues we raise. The AELS Board is currently polling its members to schedule another meeting soon to review findings of the Working Group to help us and you in considering HB 159.

We recognize your role is to develop the broader public policy positions and ours is to implement any legislation that is passed. However, we want to share our concerns with the Legislature and solve challenges together whenever possible. We continue to be dedicated to protecting the health, safety, and welfare of Alaskans through the design and construction of our built environments.

Thank you very much for your consideration.

Respectfully,

A handwritten signature in black ink that reads "Catherine Fritz".

Catherine Fritz, Chair  
AELS Board

## **AELS Board**

### **SB 73/HB 159 Issues of Concern**

The AELS Board has reviewed SB 73 (which is identical to HB 159), compared it to legislation proposed in the previous Legislature, discussed its impacts at a special meeting on February 24, 2023, and offers these comments:

1. The definitions related to Scope of Practice in Sec. 32 (AS 08.48.341) seem excessively broad and detailed. Parts of this section include activities that are outside of normal Health, Safety, and Welfare of the public. Our Board's main purpose is to protect these. Definitions and responsibilities need to be clear for the specific practice of interior design as a profession that is separate from architecture and engineering. This will minimize conflict and reduce enforcement issues. Instead of much of this detail appearing in statute, we believe it more appropriately belongs in regulation and policy. Similar matters are dealt with in our Guidance Manual.
2. Many passages in the bill are not aligned with existing statutory language for other design disciplines. The Board has worked very hard to build consistency, and requests that interior design language be similarly integrated.
3. We are aware of the workload and other impacts of adding a new design discipline and two members to our Board. We have had extensive staff turnover during the past three years, both in operations and enforcement. The complexities of our multi-discipline board are substantial, and we are concerned about adding a new discipline without thoroughly understanding its impacts. Interior designers may be better served through another regulatory framework.
4. SB 73/HB159 relies on The Council for Interior Design Qualification (CIDQ) to determine the adequacy of a candidate's Education, Experience, and Examination. The Board currently has three national organizations it relies on to assess the adequacy of this 3-legged stool. Each has robust systems in place that include writing and administering exams, developing standards for practice, and evaluating educational adequacy. CIDQ would become a fourth. Does CIDQ appropriately align with Alaska regulations, and is it similarly rigorous and collaborative? An example of potential concern is exam eligibility. AELS regulations require the Board to review and approve candidates before examination. We understand that CIDQ's approval for a candidate's exam is granted without regard to the Board's actions. CIDQ has verbally indicated it could work with Alaska to satisfy this requirement, but we have not yet seen its formal proposed solution.
5. It is important to understand that SB 73/HB 159 establishes licensure for selected interior designers, referred to as "registered" through what is known as a "practice act," requiring that, unless exempted, anyone practicing interior design would be required to comply with statute and regulation, including education, examination, and experience. The more common framework for regulating interior design in the U.S. is through voluntary certification (approximately 27 states) while four jurisdictions regulate it through practice

acts (Nevada, Louisiana, Puerto Rico, and the District of Columbia). There are significant differences in regulated responsibility and authority in each jurisdiction, making it difficult to compare SB 73/HB 159 to the laws elsewhere. If SB 73/HB 159 were amended to certify interior designers through what is known as a “title act,” individuals who wish to use the title Interior Designer could be recognized through a voluntary process without being charged with health, safety, and welfare responsibilities in AELS statute and regulations. Although the AELS Board is not the body making public policy decisions like this, we suggest this might be an easier “first step” by proponents of the legislation.

6. At our May 2022 regular Board meeting, our chair recommended creating an Interior Design Working Group of architects and interior designers to meet to try to resolve these issues and produce recommendations. With leadership by interior designers, this group was formed, and we understand it met five times between mid-July and mid-November 2022, with more than 16 hours of discussion. However, we haven’t yet seen its work product and it appears it has not yet been incorporated into SB 73/HB 159. That work may answer many of the questions and concerns we have.



Senate Labor and Commerce Committee  
April 12, 2023 – 1:30-3pm - Invited Testimony

My name is Catherine Fritz, and I serve as Chair of the Alaska Board of Registration for Architects, Engineers, and Land Surveyors (AELS). I am an architect by profession and I live in Juneau.

Thank you for the opportunity to share thoughts about SB73 on behalf of the AELS Board.

SB 73 proposes to add a new design profession, interior design, to AS 08.48, the statute that authorizes the AELS Board. This bill is substantially similar to former HB61 from the 32nd Alaska Legislature. Since 2021, the AELS Board has reviewed and raised concerns on both bills that propose to regulate the practice of interior design through the registration of interior designers.

A letter that outlines six issues of concern of SB73 was submitted to the Senate Labor & Commerce Committee on February 24. The AELS Board recently held two special meetings to review this bill and address the overall topic of interior design regulation.

The Board has not yet taken an official position in support or opposition of SB73. Rather, it has been encouraging dialog with the group of interior designers who have been promoting the bill and their colleagues, Alaska's architects, most of whom oppose interior design registration as proposed. The hope has been that the people who are most affected by the interior design industry could work together to develop mutually agreeable legislation that may be established within the AELS Board or elsewhere in state statute. At the same time, the Board has been reluctant to take a position on SB73 because it did not draft the bill. The Board respects the legislature's role to consider, and perhaps even pass legislation it sees as appropriate while the Board's job is to regulate professions authorized under enacted legislation.

At the most recent special meeting on March 16 the Board heard from the Interior Design Working Group that was established in July, 2022 to collaborate on interior design regulation issues. There was optimism among Working Group members that amendments to SB73 might be developed that would provide the AELS Board more information so that it could then consider action. A meeting of the Working Group was held on March 31. In fact, to fully disclose to this Committee, I attended this virtual meeting. As a registered architect and long time member of the American Institute of Architects (AIA), I serve as a member of the Working Group. I do represent the AELS Board when attending these meetings. The AELS Board has not yet received a report of the March 31 meeting. However, I have scheduled time on our upcoming regular AELS Board meeting agenda on May 10-11 to receive updated information and discuss SB73 so the Board can then decide how it would like to proceed. I can request an additional special meeting of the AELS Board if you believe our additional input on the bill is valuable before May 11.

We appreciate being allowed to engage in discussion about this legislation that, if approved, will add to the Board's responsibilities.

Attachment: Feb 24, 2023 letter and issues of concern



THE STATE  
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GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

BOARD OF REGISTRATION FOR ARCHITECTS,  
ENGINEERS, AND LAND SURVEYORS

P.O. Box 110806  
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April 27, 2023

The Honorable Bill Wielechowski, Chair  
Senate Rules Committee  
Alaska State Capitol, Room 103  
Juneau, AK 99801  
Sent via email to [laura.achee@akleg.gov](mailto:laura.achee@akleg.gov)

RE: SB 126: Architect/Engineer Registration Board – Section 9

Dear Senator Wielechowski:

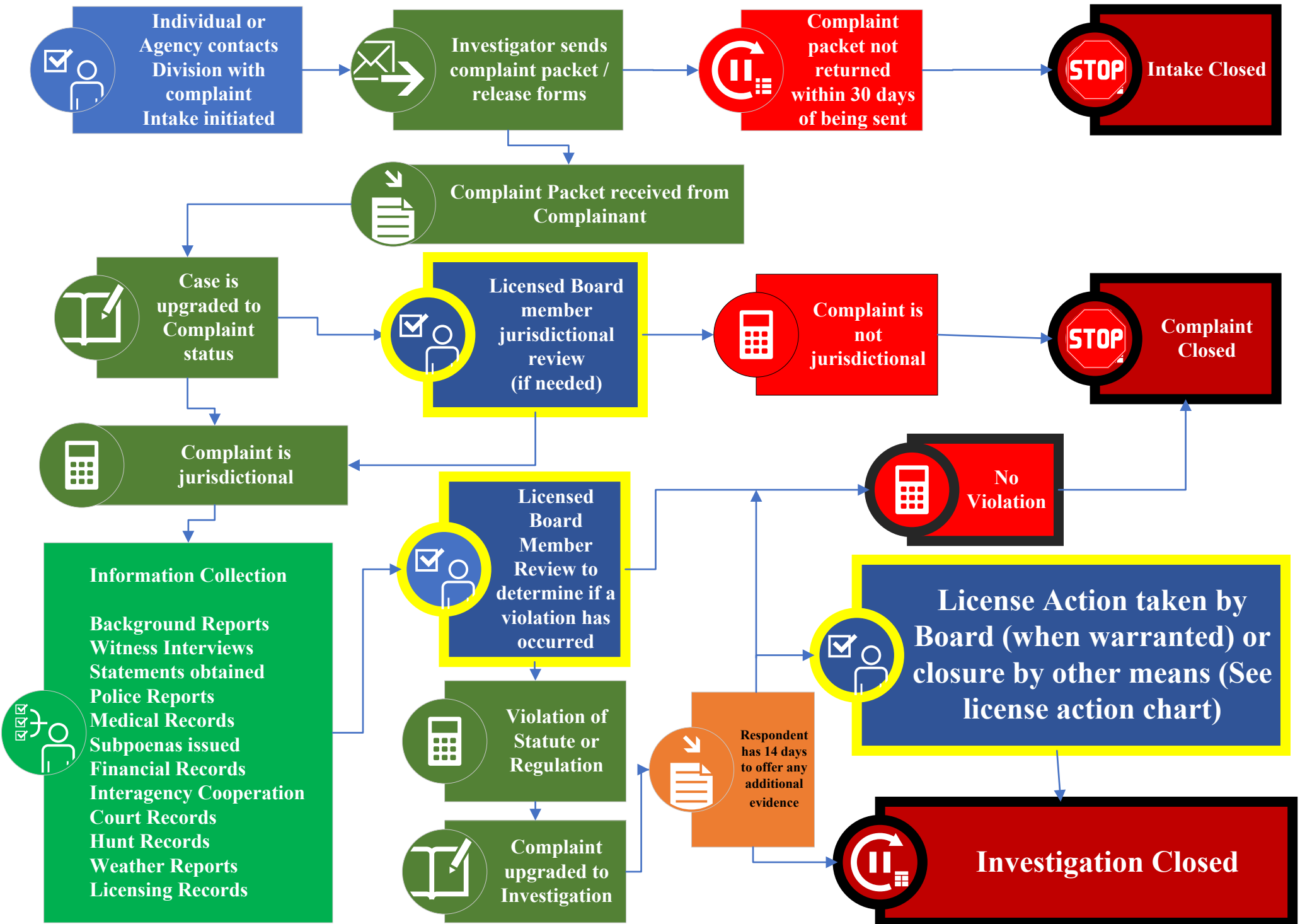
The Alaska Board of Registration for Architects, Engineers, and Land Surveyors (AELS) appreciates your thorough review of SB 126 and would like to address your concerns with Section 9, which states “A charge may be dismissed by the board **or the investigator** as unfounded or trivial.”

Enclosed are two documents which outline the Division of Corporations, Business, and Professional Licensing’s investigations process that apply to all of its licensing boards. These are also publicly on the Division’s [Investigations](#) webpage for transparency. When a complaint is initiated about an AELS registrant through the Report of Contact form, the complainant has 30 days to submit the complaint packet. Once the complaint packet has been received, the investigator forwards the packet to a reviewing board member who decides if it is jurisdictional, and, if it is, determines if a violation of statute or regulation has occurred. The only time the investigator would dismiss a case without sending it to a board member for review is if the complaint had nothing to do with the professions of architecture, engineering, land surveying, and landscape architecture and the services they provide. If the investigator dismissed a case without a board member reviewing it first, there is no appeal process through the investigation process. However, the complainant can write a letter to the board asking that they address the situation.

Sincerely,

Catherine Fritz, Chair  
Architect  
Board of Registration for Architects, Engineers, and Land Surveyors

# INVESTIGATIVE PROCESS



### **Overview of the Board and Division (Investigation Unit) functions:**

The Board or Commission's primary function is that of a regulatory body that makes licensure decisions and monitors compliance with the statute and regulations governing the profession. The professional statutes and regulations are found in centralized statutes of Title 8, and also in the statutes and regulations specific to each board, commission, or occupational area.

#### Complaints:

All written complaints, or reports, alleging a violation of statute or regulations should provide a specific and detailed summary of the complaint; the complainant must include any documentation or witnesses they feel supports the allegation of wrongdoing and, in healthcare complaints, a release for patient records.

Upon receipt, the complaint and evidence are reviewed by investigators to ensure jurisdiction over the person named in the complaint and the alleged violation by that person. This review takes into account, informal guidelines established by the Board or Commission, and the statutes and regulations of that specific practice area. If the complaint does not appear to allege a violation that is within the Board's jurisdiction, the Division may close the complaint. If the complaint does center on a violation that is within the Board's jurisdiction, an initial letter may be sent to the licensee against whom the complaint is filed. This letter provides notice of the complaint and allegations and may request records, an interview, or other response by the licensee.

Complaints that present an immediate threat to public safety are given priority; however, all complaints are investigated as quickly as possible. The steps taken in the investigation are determined on a case by case basis by the specifics of the allegations. This portion of the investigative process may be quite lengthy and may require additional information or evidence from the complainant, licensee, businesses, other governmental agencies or state boards, witnesses, or related parties.

#### Inquiry and Investigation:

The Investigators conduct an inquiry into the complaint; generally, the steps for an inquiry include the following:

- obtaining records, documentation and evidence related to the complaint;
- locating and interviewing the complainant, the client, the subject and any witnesses;
- drafting and serving subpoenas for necessary information.



After investigators have gathered pertinent information or evidence to prove or disprove an alleged violation, the matter is reviewed with the Chief Investigator and, when appropriate, the Board or Commission's liaison, a panel of two Board Members, or an expert in the field. This review may result in a recommendation that more information be obtained, the case be closed, or that the case continue forward. The Board's liaison or review panel does not determine guilt or innocence; it simply reviews the complaint to determine whether the allegations, supported by un-contested or sufficient evidence, would warrant proceeding with disciplinary action even if contested by the licensee.

If the complaint is supported by evidence, it proceeds to a case, or investigation. Once an investigation is opened, the licensee is notified they are under official investigation by the Division on behalf of the Board or Commission. This distinguishes between allegations brought against a licensee and a matter where allegations were brought and it was determined the licensee committed a violation of statutes or regulations governing their license. This is an important step because complaints can be unfounded or determined to be unsupported by evidence, and they are closed before becoming an official investigation, protecting the subject of the complaint from unwarranted repercussions in the community or area of practice. If a violation is supported by evidence and the matter proceeds to an investigation, the next step is determining an appropriate result.

#### Disposition of Cases:

The majority of cases are resolved through a Consent Agreement, an amicable settlement of a case short of a public hearing; this Agreement spells out agreed upon disciplinary action between the Board and the licensee and allows more options in achieving a balanced resolution for both parties.

The Consent Agreement is written by the Division, in consultation with a Reviewing Board or Commission Member; they consider the nature of the violation, the standard in effect at the time it was violated, the effect of the violation on the public and the profession, whether the respondent was knowing and willful, previous violations, whether the licensee was cooperative and took responsibility for the violation, any mitigating circumstances, the disciplinary action's effect on improving the licensee's practices, precedents set by other cases for consistency from case to case, and if appropriate, a necessary deterrent for other practitioners to avoid a similar violation.

Consent Agreements may involve any of the following:

- reprimand
- revocation
- assessment of a civil penalty (fine)
- suspension (for a specific period of time)
- probation
- condition to take additional Continuing Education over and above the annual requirement
- restrictions on practice (some Boards)

If an Agreement with the licensee is unsuccessful, the case is referred to the investigators' counsel, an Assistant Attorney General (AAG), for review and possible litigation, filing an Accusation charging the violations. If an Accusation is filed, the licensee is entitled to a hearing on the charges against them. After guidance from the Board or Commission and the Division, the AAG may approach the licensee to negotiate a settlement prior to a hearing. If a settlement cannot be reached, an administrative hearing will be held. All involved parties may be requested to appear and testify at the hearing, conducted by the Office of Administrative Hearings (OAH). After the hearing, OAH provides the Board or Commission with a proposed decision and order; the Board or Commission may adopt, amend, or reject the proposed decision and issue their own Decision and Order. Any Decision and Order adopted by the Board or Commission may be appealed to the Superior Court by the licensee.

The Division does not intervene in a dispute regarding the fees charged by a licensee. Disciplinary action is considered carefully on a case-by-case basis since the action may adversely affect the licensee reputation and ability to make a living. Therefore, it takes more than a claim of wrongdoing to file a complaint with the Board; the allegation must be substantiated and must be jurisdictional to the statutes and regulations of that Board or practice area.

Confidentiality:

Investigations are required by statute to be kept confidential. This often prevents the complainant, licensee, and the Board from obtaining progress reports or information that may disclose the current status of an open investigation. This also protects the reputation of licensees who may be accused of wrongdoing but the allegations against them are unproven. Cases often involve other agencies, businesses, and practices; disclosing information during an on-going case can compromise the investigation, create conflicts for reviewing Board members, or result in unnecessary hardship to the licensee.



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ENGINEERS, AND LAND SURVEYORS

P.O. Box 110806  
Juneau, Alaska 99801-0806  
Main: 907.465.1676  
Toll free fax: 907.465.2974

May 1, 2023

Dear University of Alaska Graduate:

On behalf of Alaska's Board of Registration for Architects, Engineers, and Land Surveyors, congratulations on your graduation from the University of Alaska! You have accomplished an important life milestone and are facing an exciting future. Your years of work at the university have undoubtedly included many challenges, but we also hope that you have learned resiliency and determination, and that critical thinking and problem solving have been part of your everyday experiences. Completing your degree is a tremendous personal accomplishment, and you should be very proud. We applaud your success as a student and encourage you to pursue your Professional Engineering or Land Surveying license. Our state needs the talents and energies of emerging professionals like you.

We wish you all the best as you celebrate this occasion. Please feel free to contact me if you have questions about the licensing path.

Warm regards,

A handwritten signature in black ink that reads "Catherine Fritz".

Catherine Fritz, Architect, and Chair  
Alaska State Board of Registration for Architects, Engineers, and Land Surveyors  
[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)



## ITEM #3

### Outreach Reports:

- A Acknowledged and Received: AIA February 2023 Board Update – Fritz/Rozier
- B Acknowledged and Received: March 22, 2023 – SEAAK Meeting -Strait

## **AELS BOARD UPDATE**

### **Prepared February 13, 2023**

The Alaska AELS Licensing Board met via Zoom for its regular quarterly meeting on February 8-9, 2023. The Board's request to meet in person was not approved by the state. The Board reviewed 79 applications (55 for Comity; 24 for Exam) and 13 of these were for architectural registration.

The Board reviewed the recommendations of its Education Committee and moved out regulation changes to the Continuing Education program. The adopted language will now go to the Regulatory Specialist for review, and then come back to the Board as a final draft. The Board will further review and discuss if needed, then request that the proposed changes be released for public comment. The proposed changes offer clarifications to record keeping, expand the classification of acceptable courses (eg. include ethics and business practices), and provide for a reduced level of required Continuing Education for persons who have been registered for more than 30 years.

The Legislative Liaison Committee summarized their work to update the AELS statutes. They are actively working with Senator Bjorkman to provide sponsorship of the bill by the Senate Labor & Commerce Committee. This is a "clean up" bill to modernize language and remove aged requirements.

The Board's Outreach Committee launched its first electronic newsletter on February 13, 2023. This is being distributed through the AELS Listserve and is posted on the AELS website. The Outreach Committee is planning an event in Anchorage in conjunction with the next Board meeting, May 10-11, 2023. Travel by the Board has been restricted by the State License Division administration, so this is a tentative event, but we hope that it will be approved so we can have an opportunity to interact with registrants.

There was no update to the Board from the Interior Design Working Group. A meeting has not yet been scheduled this year, but the architects on the Working Group remain committed to talking and working with our Interiors colleagues to find common ground. We continue to request collaboration with them if they want to pursue a bill to regulate their profession.

The AELS Board re-elected the current slate of officers for the coming year, so I will be continuing to serve as Chair. Jeff Garness, PE (Anchorage) is Vice-Chair, and Ed Leonetti, LA (Anchorage) is Secretary-Treasurer.

Please reach out with questions and/or comments, and thanks for your interest in AELS Board issues and activities.

Catherine Fritz, AIA  
Randall Rozier, AIA

## Outreach Activity Report

**Board:** AELS

**Date & Time of Event:** 3/22/23 @ 12:00p

**Person Reporting:** Sterling Strait

**# of Attendees:** 30

**Employees:** / **Board Members:**

**Type of Outreach:** General Information

**Attendees:** Structural Engineers of Alaska

**Description of Event:**

Attended a regular Structural Engineers Association of Alaska (SEAAK) and gave a general update on AELS board activities.



## ITEM #4

### General Board Business:

- A Action needed: NCEES – appoint Kelly Johnson as an associate member
- B Acknowledged and Received: May 2023 CE Audit Update
- C Acknowledged, Received and Posted to AELS Website: Continuing Education Example.



## NCEES EMERITUS/ASSOCIATE NOMINATION FORM

For all emeritus and associate nominations, please complete the information below and email completed form to [boardquestions@ncees.org](mailto:boardquestions@ncees.org). The nomination will be ratified at the next NCEES Board of Directors meeting and a letter will be sent to you after that meeting.

State Board: Alaska Board of Registration for Architects, Engineers and Land Surveyors

Date: 3/30/2023

### Emeritus Member Nominations:

Name:	Term End Date:

### Associate Member Nominations:

Name:	Position:
Kelly Johnston	Occupational Licensing Examiner

Board Chair/President Signature: \_\_\_\_\_



2020-2021 - CE AUDIT REPORT		
<b>Total Randomly Selected for Audit:</b>		309
	Lapsed/Retired:	42
	Total Active Audits:	267
<b>Total Active Audits:</b>		267
	Completed:	237
	Incomplete :	0
	Referred to Paralegal:	30
<b>Referred to Paralegal:</b>		30
	Outstanding Audits from 2019	2
	Cleared through Paralegal:	20
	License Action:	9
	Proposed License Actions:	0
	Requesting Reconsideration:	0
	Open:	3
<b>Total Open Audits:</b>		3

Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
Board of Registration for Architects, Engineers and Land Surveyors

PO Box 110806, Juneau, AK 99811

Phone: (907) 465-2550

Email: [AELSBoard@Alaska.Gov](mailto:AELSBoard@Alaska.Gov)

Website: [ProfessionalLicense.Alaska.Gov/BoardOfArchitectsEngineersAndLandSurveyors](http://ProfessionalLicense.Alaska.Gov/BoardOfArchitectsEngineersAndLandSurveyors)

## Continuing Education Log: Architects, Engineers, Land Surveyors, & Landscape Architects

Biennial Renewal Period Ending December 31, 2021

All activities must be relevant to the practice of architecture, engineering, land surveying, or landscape architecture and relevant to promoting the public health, safety, and welfare (HSW) within Alaska. Indicate the relevance of the activity to protecting public HSW by providing a brief description. The activities may include technical, ethical, or managerial content. This form may be duplicated if necessary. The Board may request additional verification records in accordance with 12AAC 36.540.

Registrant Name:	Nicholas Radevonski, P.E.	Registration Number:	
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Date of Activity	Activity Title & Relevance	Sponsoring Organization	Speaker / Instructor	Location & Duration	Unit of Credit or PDHs Earned
01/17/2020		UAA College of Engineering seminar		UAA EIB 211 and Zoom, 1.2 hours	
01/31/2020		UAA College of Engineering seminar		On-line delivery, 1.0 hours; watched seminar recorded on 1/24/20	
02/18/2020		ASCE, Anchorage chapter		Moose Lodge, Anchorage, 1.2 hours	
03/06/2020		UAA College of Engineering seminar		EIB 211, 1.3 hours	
04/04/2020		Water Environment Federation		On-line delivery, 1.6 hours; watched seminar recorded on 2/5/20	
04/07/2020		UAA College of Engineering seminar		Zoom delivery, 1.5 hours, watched seminar recorded on 4/3/20	
04/14/2020		ASCE		On-line delivery, 1.0 hours	

Date of Activity	Activity Title & Relevance	Sponsoring Organization	Speaker / Instructor	Location & Duration	Unit of Credit or PDHs Earned
04/17/2020		ASCE elearning		On-line delivery, 1.0 hours	
04/24/2020		UAA College of Engineering seminar		On-line delivery, 1.0 hours	
09/01/2020		Oregon State University Engineering		On-line delivery of several mini-seminars, 7.8 hours with breaks	
09/22/2020		ASCE, Anchorage chapter		On-line delivery by MS Teams, 1.2 hours	
10/01/2020		Oregon State University Engineering		On-line delivery, 1.0 hours	
10/20/2020		ASCE, Anchorage chapter		On-line delivery by MS Teams, 1.2 hours	
02/10/2021		UAA College of Engineering seminar		On-line delivery, 1.0 hours, watched seminar recorded on 2/5/21	
03/03/2021		UAA Planetarium STEM talks		UAA Planetarium, 1.4 hours	
04/02/2021		UAA College of Engineering		Hybrid delivery, 3.0 hours	
10/22/2021		ASCE, Anchorage chapter & UAA College of Engineering		On-line delivery of seminars on 10/21 & 22, 2.0 hours total	

Copy this form or attach additional pages as necessary.

<b>Total PDHs Earned:</b>	<b>25.0</b>
<b>PDHs Being Carried Forward:</b>	



## ITEM #5

### Upcoming Meeting Dates:

- A. Acknowledged: NCARB Annual Business Meeting – June 15-17<sup>th</sup> – Tampa, FL
- B. Acknowledged: NCEES Annual Business Meeting – August 15-18<sup>th</sup> – Boston, MA
- C. Acknowledged: CLARB Annual Business Meeting – September 20-22<sup>nd</sup> – Henderson, NV

Department of Commerce Community, and Economic Development  
Corporations, Business and Professional Licensing

Summary of All Professional Licensing  
Schedule of Revenues and Expenditures

Board of Architects, Engineers, and Land Surveyors	FY 16		FY 17	Biennium	FY 18		FY 19	Biennium	FY 20		FY 21	Biennium	FY 22		FY 23 1st - 3rd QTR								
<b>Revenue</b>																							
Revenue from License Fees	\$	1,312,092	\$	201,239	\$	1,513,331	\$	909,305	\$	161,305	\$	1,070,610	\$	932,985	\$	146,310	\$	1,079,295	\$	957,475	\$	115,385	
General Fund Received																\$	-	-		\$	17,581	\$	-
Allowable Third Party Reimbursements		6,302		13,376		19,678		13,692		10,892		24,584		\$	4,143	\$	-	4,143		\$	1,375	\$	3,734
TOTAL REVENUE	\$	1,318,394	\$	214,615	\$	1,533,009	\$	922,997	\$	172,197	\$	1,095,194	\$	937,128	\$	146,310	\$	1,083,438	\$	976,431	\$	119,119	
<b>Expenditures</b>																							
Non Investigation Expenditures																							
1000 - Personal Services		230,912		151,062		381,974		179,399		201,499		380,898		173,287		159,806		333,093		172,213		151,619	
2000 - Travel		35,307		32,347		67,654		29,385		26,313		55,698		15,812		2,110		17,922		15,391		10,777	
3000 - Services		70,609		38,839		109,448		45,487		59,467		104,954		35,084		43,162		78,246		41,295		23,362	
4000 - Commodities		1,221		631		1,852		499		27		526		30		-		30		-		-	
5000 - Capital Outlay		-		-		-		-		-		-		-		-		-		-		-	
Total Non-Investigation Expenditures		338,049		222,879		560,928		254,770		287,306		542,076		224,213		205,078		429,291		228,899		185,757	
Investigation Expenditures																							
1000-Personal Services		94,056		136,643		230,699		110,690		121,182		231,872		71,024		75,160		146,184		55,524		46,260	
2000 - Travel		-		-		-		-		-		-		-		-		-		-		-	
3023 - Expert Witness		-		-		-		-		-		-		-		-		-		-		-	
3088 - Inter-Agency Legal		-		-		-		-		-		-		-		1,996		1,996		85		-	
3094 - Inter-Agency Hearing/Mediation		-		134		134		58		-		58		-		-		-		-		-	
3000 - Services other										670		670		208		429		637		15		18	
4000 - Commodities										-		-		-		-		-		-		-	
Total Investigation Expenditures		94,056		136,777		230,833		110,748		121,852		232,600		71,232		77,585		148,817		55,624		46,278	
Total Direct Expenditures		432,105		359,656		791,761		365,518		409,158		774,676		295,445		282,663		578,108		284,523		232,035	
Indirect Expenditures																							
Internal Administrative Costs		216,777		183,444		400,221		-		176,749		176,749		187,122		160,058		347,180		207,091		155,318	
Departmental Costs		68,567		103,670		172,237		-		96,635		96,635		66,632		61,722		128,354		68,456		51,342	
Statewide Costs		19,550		33,286		52,836		-		32,978		32,978		32,186		32,250		64,436		28,626		21,470	
Total Indirect Expenditures		304,894		320,400		625,294		-		306,362		306,362		285,940		254,030		539,970		304,173		228,130	
TOTAL EXPENDITURES	\$	736,999	\$	680,056	\$	1,417,055	\$	365,518	\$	715,520	\$	1,081,038	\$	581,385	\$	536,693	\$	1,118,078	\$	588,696	\$	460,165	
<b>Cumulative Surplus (Deficit)</b>																							
Beginning Cumulative Surplus (Deficit)	\$	743,460	\$	1,324,855			\$	859,414	\$	1,416,893			\$	873,570	\$	1,229,313			\$	838,930	\$	1,226,665	
Annual Increase/(Decrease)		581,395		(465,441)				557,479		(543,323)				355,743		(390,383)				387,735		(341,046)	
Ending Cumulative Surplus (Deficit)	\$	1,324,855	\$	859,414			\$	1,416,893		873,570			\$	1,229,313	\$	838,930			\$	1,226,665	\$	885,619	
<b>Statistical Information</b>																							
Number of Licenses for Indirect calculation		8,785		7,847				8,152		7,331				7,488		7,386				8,122		-	
<b>Additional information:</b>																							
• Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses *																							
• Most recent fee change: New fee added FY20																							
• Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and p																							

Appropriation Name (Ex)	(Multiple Items)
Sub Unit	(All)
PL Task Code	AEL1

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex) 1000 - Personal Services	2000 - Travel	3000 - Services	Grand Total
1011 - Regular Compensation	101,291.05			101,291.05
1014 - Overtime	823.72			823.72
1016 - Other Premium Pay	84.30			84.30
1021 - Allowances to Employees	216.00			216.00
1023 - Leave Taken	20,188.75			20,188.75
1028 - Alaska Supplemental Benefit	7,509.65			7,509.65
1029 - Public Employee's Retirement System Defined Benefits	6,536.04			6,536.04
1030 - Public Employee's Retirement System Defined Contribution	5,088.48			5,088.48
1034 - Public Employee's Retirement System Defined Cont Health Reim	3,262.77			3,262.77
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	1,056.17			1,056.17
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	14,395.91			14,395.91
1040 - Group Health Insurance	31,945.23			31,945.23
1042 - Worker's Compensation Insurance	980.11			980.11
1047 - Leave Cash In Employer Charge	2,710.57			2,710.57
1048 - Terminal Leave Employer Charge	2,039.24			2,039.24
1053 - Medicare Tax	1,719.15			1,719.15
1062 - GGU Business Leave Bank Contributions	140.12			140.12
1077 - ASEA Legal Trust	102.77			102.77
1079 - ASEA Injury Leave Usage	14.88			14.88
1080 - SU Legal Trst	6.89			6.89
1970 - Personal Services Transfer	(2,232.88)			(2,232.88)
2000 - In-State Employee Airfare		812.90		812.90
2001 - In-State Employee Surface Transportation		208.56		208.56
2002 - In-State Employee Lodging		575.20		575.20
2003 - In-State Employee Meals and Incidentals		300.00		300.00
2005 - In-State Non-Employee Airfare		2,207.44		2,207.44
2007 - In-State Non-Employee Lodging		2,536.40		2,536.40
2008 - In-State Non-Employee Meals and Incidentals		1,207.20		1,207.20
2009 - In-State Non-Employee Taxable Per Diem		208.00		208.00
2010 - In-State Non-Employee Non-Taxable Reimbursement		272.58		272.58
2012 - Out-State Employee Airfare		851.50		851.50
2013 - Out-State Employee Surface Transportation		122.55		122.55
2015 - Out-State Employee Meals and Incidentals		874.50		874.50
2016 - Out-State Employee Reimbursable Travel Costs		30.00		30.00
2020 - Out-State Non-Employee Meals and Incidentals		1,766.75		1,766.75
2022 - Out-State Non-Employee Non-Taxable Reimbursement		2,536.80		2,536.80
2970 - Travel Cost Transfer		(3,733.65)		(3,733.65)
3001 - Test Monitor/Proctor			-	-
3002 - Memberships			20,610.00	20,610.00
3035 - Long Distance			14.98	14.98
3044 - Courier			3.55	3.55
3045 - Postage			17.65	17.65
3046 - Advertising			563.63	563.63
3085 - Inter-Agency Mail			404.47	404.47
3088 - Inter-Agency Legal			1,764.98	1,764.98
<b>Grand Total</b>	<b>197,878.92</b>	<b>10,776.73</b>	<b>23,379.26</b>	<b>232,034.91</b>

# DRAFT

## OBJECTIVES

1. Ensuring that those entering these professions in this state meet minimum standards of competency, and maintain such standards during their practice; and

2. Enforcing the licensure and competency requirements in a fair and uniform manner.

## STRATEGIES

- a. Support license mobility by aligning with model law, including updates to statutes, regs, policies**
    - Participate in national organizations to stay abreast of issues.
  - b. Prepare university students for licensure**
    - Encourage licensing preparedness in UAA & UAF Engineering and Land Surveying/Geomatics programs.
    - Encourage Alaskan architecture and landscape architecture students to become licensed in Alaska
  - c. Maintain an effective outreach program**
    - Clarify the path to licensure for each discipline.
    - Share outreach program with license holders, licensure candidates, legislators, and allied professions.
    - Encourage Diversity, Equity, and Inclusion thru professional practice and regulation.
  - d. Provide Administrative Support**
    - Assist Department staff with reports, meeting locations, outreach program challenges, etc.
    - Collaborate with Department to answer questions from candidates and registrants.
- 
- Protect public HSW through effective statutes & regulations**
    - Analyze/update regulations to simplify and maintain Education, Experience, and Examination standards.
    - Enforce regulations with prompt, thorough investigations.
    - Update (revise) statutes to reflect current practices.
  - b. Collaborate with design professionals and allied professions**
    - Listen to concerns; address through regulations and policies.
    - Interact with professional organizations on HSW matters.
    - Provide ongoing review/updates/publication of Guidance Manual.
  - c. Maintaining Competency through Continuing Education**
    - Update CE regulations to reflect model law.
    - Simplify CE reporting forms and licensee CE record keeping.
  - d. Provide Administrative Support**
    - Empower staff to administer straightforward applications without Board review.
    - Support special projects to develop knowledge base of Board's past actions.
    - Collaborate with staff to identify board training needs and opportunities.

BLUE – new this year  
RED – need board  
input

**OBJECTIVE 1. Ensuring that those entering these professions in this state meet minimum standards of competency, and maintain such standards during their practice; and**

### STRATEGIES

### 2023 PLANNED ACTIONS (3.1.2023 – 2.29.2024)

**a. Support license mobility by aligning with model law, including updates to statutes, regulations, policies.**

1. Review proposed changes for consistency with relevant NCARB, NCEES, and CLARB standards.
2. Support Board members' participation in national organization committees and leadership.
3. Review continue education changes for consistency with national standards.

**b. Prepare university students for licensure by**

- encouraging licensing preparedness at UA (and other) engineering and land surveying/geomatics programs.
- encouraging Alaskan architecture students to become licensed in Alaska.
- encouraging Alaskan landscape architecture students to become licensed in Alaska.

1. Send congratulatory letter to UA engineering and land surveying graduates.
2. Participate in university activities at UAA and UAF.
3. Appoint liaisons to applicable UAA and UAF Boards.
4. Present at least 1 UAA PDH Seminar series.
5. Identify Alaskan architecture and landscape architecture graduates and send congratulatory letters.

**c. Maintain an effective outreach program**

- Clarify the path to licensure for each discipline.
- Share outreach program with license holders, licensure candidates, legislators, allied professions.
- Encourage Diversity, Equity, Inclusion thru practice & regulations

1. Develop policy to guide unusual paths to licensure.
2. Develop infographic on path to licensure in Alaska
3. Develop an annual Outreach Plan in conjunction with the Board's annual report.
4. Produce at least 1 newsletter per year.
5. Reach outside AELS to analyze DEI in Alaska Design Professions; develop a DEI plan.

**d. Provide Administrative Support**

- Assist Department staff with reports, meeting locations, outreach program, etc.
- Collaborate with Department to answer questions from candidates and registrants.

1. Utilize and organize Onboard Resource folders so they are easily accessible.
2. Identify outreach events early to work out logistical challenges.
3. Promptly respond to administrative requests for assistance from candidates and registrants.
4. Assist in writing the Annual Report and Travel Plan.



**OBJECTIVE 2. Enforcing the licensure and competency requirements in a fair and uniform manner.****STRATEGIES****a. Protect public HSW through effective statutes & regulations**

- Analyze/update regulations to simplify and maintain Education, Experience, Examination standards
- Enforce regulations with prompt, thorough investigations
- Update (revise) statute to reflect current practices.

**2023 PLANNED ACTIONS (3.1.2023 – 2.29.2024)**

1. Complete statute changes originally identified in 2019.
2. Review applicable bylaws; work with investigator to share investigation information with registrants.
3. Work with ADEC to improve regulations and policies that overlap with AELS.
4. Work with ID working Group and others regarding Interior Design Licensure (SB73)
5. Maintain regulation project spreadsheet to track progress.

**b. Collaborate with design professionals & allied professions**

- Listen to concerns; address through regulations, policies.
- Interact with professional organizations on HSW matters.
- Provide ongoing review/update to Guidance Manual.



1. Update AELS historical information; incorporate applicable portions into Guidance Manual.
2. Invite design professionals to present to the board on current ideas and issues.

**c. Maintaining Competency through Continuing Education**

- Update CE regulations to reflect model law.
- Simplify CE reporting and licensee CE record keeping.



1. Complete the CE regulation changes.
2. Work with professional societies to make registrants aware of the new requirements.
3. Develop the “Structured Self Study Report” form.

**d. Provide Administrative Support**

- Empower staff to administer straightforward applications without Board review.
- Support special projects to develop knowledge base of Board past actions
- Collaborate with staff to identify board training needs and opportunities.



1. Complete regulation changes to empower staff to perform some level of application review/approval.
2. Complete statute changes to empower staff (See 2a1)
3. Review and update by-laws.
4. Review and update board member welcome packet.
5. Utilize Onboard resource folders to organize information
6. Develop overall board activity calendar.
7. Assist Staff with FAQ for regulation projects.
8. Develop a template for annual committee reports.

# 2023 Actions

- Maintain effective Board committees & working groups (including annual review of Strategic Plan Actions)
- Review and update By-Laws
- Board training – department/infrastructure
- Maintain a calendar of Board meetings, committee meetings, events, national organization meetings.
- Should each Committee set goals/actions for the year? YES – summary report to add to the annual report
- Template for annual committee report (number of meetings, overview of topics, actions that led to regulation changes or policy changes)
- Follow the Strategic Plan! Don't add items to the workload that aren't already included in the plan!
- Make priorities –
  - Have each board member establish 2-3 preferred action items that are aligned with tasks on action items list.
  - Priority 1: Task needs to be completed w/in 30 days
  - Priority 2: Task needs to be completed before next board meeting (3 months)
  - Priority 3: Task needs to be completed within 6-12 months.

2022 AUGUST - NOVEMBER				
Code	Strategic Plan Reference	Priority	To whom assigned	Deadline
08/16/2022			Leonetti	
08/16/2022			CE Committee	
08/16/2022			Strait	
08/16/2022			Fritz, Neal	
08/16/2022			Maxwell/Neal	
08/16/2022			Strait	
08/16/2022			Fritz	
08/16/2022			Fritz	
08/16/2022			Maxwell, Bell	
08/16/2022			Maxwell, Bell	
08/16/2022			Johnston, Strait, Garness	
08/17/2022			Guidance Committee	
08/17/2022			ALL	
08/17/2022			CE Committee	
08/17/2022			Sara Neal to work with Sara Chambers	
08/17/2022			ALL	
08/17/2022			Investigations committee	
08/17/2022			Guidance Committee	
05/10/2022			Sara/Fritz	
08/16/2022			Elizabeth	
08/16/2022			Outreach Committee	
08/16/2022			Neal	

08/17/2022			Guidance Committee	
08/17/2022			Outreach Committee	
08/17/2022			Outreach Committee	
08/17/2022			Outreach Committee	
08/16/2022			Outreach Committee	
08/17/2022			Neal	
08/17/2022			Legislative Liaison Committee	
08/17/2022			Legislative Liaison Committee	
08/17/2022			Guidance Committee	
11/09/2022			Investigations committee	
11/09/2022			Sara	
11/09/2022			Elizabeth, Randall, Ed	
11/09/2022			Catherine, Randall	
11/09/2022			Elizabeth, Legislative committee	
11/09/2022			Catherine, Sara	
11/10/2022			Bob, Jake, Sara	
11/10/2022			ALL -	
11/10/2022			Investigative Committee, Elizabeth	
08/16/2022			Catherine	
11/10/2022			Jake	
11/10/2022			Sara	
11/10/2022			Elizabeth to Outreach Committee	
11/10/2022			Legislative Committee	
			Sara	
02/08/2023			Guidance Manual Committee, Elizabeth	
02/08/2023			Catherine, Sara	
02/08/2023			Loren, Sara	

02/08/2023			Jake	
02/08/2023			Jeff, Loren	
02/08/2023			Catherine	
02/08/2023			Sara	
02/08/2023			Guidance manual	
02/08/2023			Investigative committee	
02/09/2023			Outreach Committee	
02/09/2023			Elizabeth	
02/09/2023			All members	
02/09/2023			Outreach Committee	
02/09/2023			All members	
02/09/2023			Catherine, Jeff, Sara	

BOARD MEETING	
<b>Item Description</b>	<b>Status</b>
Regulation project for updating 12AAC 36.068 - LA by Exam to be in alignment with CLARB's Uniform Standard.	Ongoing
Review discipline matrix to incorporate a letter of reprimand	Complete
Start Reg Project on 12AAC36.105 (h) and (i) for improvements to the SE by comity Regulations	Ongoing
respond to comments from 2019 Reg change	Complete
Letter to AELS registrants about HB148 going into law. Send via Listserv.	Complete
Update ABET equivalency chart in board policies re: Architectural Engineering references	Complete
Updated response to MOA re Structural Engineers	Complete
New letter to Paul Dorvel - fix up letter re: changes in seals	Complete
Start Reg project for Survey, re: PS Exam	Complete
Start Reg Project for re: HB148 does/doesn't need reg updates	Complete
Start Reg project for 36.990 and applicable for Mentoring for Engineering	Complete
Revise Bylaws to updated Investigative Advisory Committee (delete #7)	Complete
Review ADEC record drawing verbiage. Comments to go to the guidance committee.	Complete
Review content of Arctic Course and report to Nov. Board Meeting. Working on to get it at the Feb board meeting	Ongoing
Method for Bill Sponsor. "By the rules committee by the request fo the Gov."	Complete
Review Statue change proposal (draft) and make comments to Legislative Committee by Oct. 1. Send to Leman. Look for hot spots: industrial exemptions and buidling exemptions.	Complete
Redacted information from investigative cases, Can we add information on if it went to a board member. Which ones have gone to mutliple reviewers. Patrick will get back to Committee on list of redacted.	Ongoing
By laws need to be changed by a Reg Project. 36.920	Complete
Create new policy for 36.010.j - delegating review authority to Staff for approving applications	Ongoing
Review digital signature instructions before they are posted to website	Ongoing
Educate state associations of the name change for the arctic course	Ongoing
Work with publications team on the online application for military	Ongoing

Review language used in the Guidance for Construction Drawings Section and evaluate if it should be an appendix to the Guidance Manual	Complete
Plan outreach event for Nov board meeting	Complete
Find a vendor to create a logo and a newsletter template	Complete
Gather newsletter content - publish by end of year.	Ongoing
Letter to registrants RE: Audit findings; reminder of responsibilities "don't check the box" ; UAA - inform them that not all CE classes offered meet AELS CE requirements. Reassigned to outreach committee and will be in newsletter	Ongoing
Send committee meetings/agenda information via listserv	Complete
Work on Regulation Project that revises term "responsible charge" in regulations.	Ongoing
Review board suggestions for possible statute changes / prepare changes to be reviewed by the board in Nov board mtg	Complete
Review board comments RE: ADEC verbiage	Complete
Review current policy and regulations for renewal for both individuals and firms to determine if late applications for renewals can be handled differently. Please consider what other jurisdictions could do.	Ongoing
Make policy changes for Architectural Engineering degree - related to civil table	Complete
Regulation project for updating 12 AAC 36.040 - Simplified application for exam	Ongoing
Review AELS regulations to remove any unnecessary barriers to licensure for applicants with foreign transcripts	Ongoing
Start regulation project for Architectural Engineering	Ongoing
Complete FAQ's for the 4 Reg projects	Complete
Review Test, Inc. proposal and discuss logistics for offering the AKLS twice a year both here and in other jurisdictions.	Complete
Discipline specific list of drawings for inclusion of appendix A of the guidance manual. To Guidance manual by Nov. 17	Complete
Review discipline matrix to bring it current. Meeting for after new year.	Ongoing
Call CE at UAA to discuss the CE classes offered and to clarify the requirements for CE credits.	Complete
Outreach report on the UAA event on Nov 9th	Complete
Travel request for February board meeting	Complete
Find APDC flyin dates Feb 14-16, 2023	Complete
Statute updated strategy meeting - Meeting week of Nov. 28	Complete
Send thank you note to UAA for use of room	Complete
Regulation project for 36.185.f.1 to update electronic signature requirement for stamping	
Update CEU links on AELS website	
Find Good example of CEU form (From previous Audit) and send to Catherine Sara to get files to Loren for review	

Touch base with APDC proposed statute changes and how we can fit in future meetings w/ APDC and their flyin or outreach event or letter.	
Start a work group to work with the new ADEC regulatory changes - first task is to get a summary on where the reg changes stand now and work with ADEC to guide the regulation to ensure the use of Engineer is appropriate. Work to be completed in 2023	
Clean up Policies and Historical Information document with changes	
Distribute to the board updated Policies and Historical information to Board for review	Complete
Guidance manual committee to review Policies and Historical Info and make recommendation to the board on revised language.	
Continue working with Department - reviewing the three top license types, bring back ideas for newsletter, continue refining the Disciplinary matrix	
COA article topic for newsletter	
send affected "language" to guidance committee regarding continuing ed new regulations.	
Complete survey from Sara Chambers email from Feb. 08 email	
Plan outreach event for May board meeting	
Send to outreach committee (Jake & Sara): Ideas for outreach event for next meeting	
Begin drafting Annual Report	



2023 FEBRUARY BOARD				
Code	Strategic Plan Reference	Priority	To whom assigned	Deadline
11/09/2022			Elizabeth, Randall, Ed	
11/09/2022			Catherine, Randall	
11/09/2022			Elizabeth, Legislative committee	
02/08/2023			Guidance Manual Committee, Elizabeth	
02/08/2023			Catherine, Sara	
02/08/2023			Loren, Sara	
02/08/2023			Jake	
02/08/2023			Jeff, Loren	
02/08/2023			Catherine	
02/08/2023			Sara	
02/08/2023			Guidance manual	
02/08/2023			Investigative committee	
02/09/2023			Outreach Committee	
02/09/2023			Elizabeth	
02/09/2023			All members	
02/09/2023			Outreach Committee	
02/09/2023			All members	
02/09/2023			Catherine, Jeff, Sara	
02/09/2023			Guidance Manual Committee	

D MEETING	
<b>Item Description</b>	<b>Status</b>
Regulation project for updating 12 AAC 36.040 - Simplified application for exam	Ongoing
Review AELS regulations to remove any unnecessary barriers to licensure for applicants with foreign transcripts	Ongoing
Start regulation project for Architectural Engineering	Ongoing
Regulation project for 36.185.f.1 to update electronic signature requirement for stamping	Ongoing
Update CEU links on AELS website	Complete
Find Good example of CEU form (From previous Audit) and send to Catherine Sara to get files to Loren for review	Complete
Touch base with APDC proposed statute changes and how we can fit in future meetings w/ APDC and their flyin or outreach event or letter.	Complete
Start a work group to work with the new ADEC regulatory changes - first task is to get a summary on where the reg changes stand now and work with ADEC to guide the regulation to ensure the use of Engineer is appropriate. Work to be completed in 2023	Ongoing
Clean up Policies and Historical Information document with changes	Ongoing
Distribute to the board updated Policies and Historical information to Board for review	Complete
Guidance manual committee to review Policies and Historical Info and make recommendation to the board on revised language.	Ongoing
Continue working with Department - reviewing the three top license types, bring back ideas for newsletter, continue refining the Disciplinary matrix	Ongoing
COA article topic for newsletter	Ongoing
send affected "language" to guidance committee regarding continuing ed new regulations.	Ongoing
Complete survey from Sara Chambers email from Feb. 08 email	Complete
Plan outreach event for May board meeting	Complete
Send to outreach committee (Jake & Sara): Ideas for outreach event for next meeting	Ongoing
Begin drafting Annual Report	Complete
Draft CE Structured Self-Study form as well as a completed form for an example and list examples for possible professional and technical societies to put into the Guidance Manual	Ongoing

## Regulation Projects

## Next Steps

2019 Regulation project all regs

36.063 Mentoring Program

36.067 Date of experience

36.100 Content of Exams

36.107 Land surveyor by Comity

36.040 Simplified Application for Re-examination

36.920 Bylaws date

Complete FAQ

Complete FAQ

Complete FAQ

Complete FAQ

# Structural Engineering Licensure Discussion



UAA EIB at Noon on Wednesday, May 10<sup>th</sup>

Join the Alaska AELS Board for lunch at 12:00pm on Wednesday, May 10<sup>th</sup>, for an update and discussion on Structural Engineering Licensure in Alaska

## **Agenda:**

- Proposed Regulation Changes to SE Licensure
  - What is being changed?
  - What is actually different?
  - Why?
- SE Exam Transition to Computer-Based-Testing (CBT)
  - When will it occur?
  - What is changing with the test format?
  - Where can I take the exam?
- Open Discussion on SE Licensure

Where?: In-Person at the UAA Engineering Building Room 413

Online via Zoom:

Zoom link:

<https://us02web.zoom.us/j/82228212922?pwd=SDlTUdOVdkrV0NMM2V4cEQ2TWVhZz09>

When?: 12:00pm on Wednesday, May 10<sup>th</sup>

Who?: Anyone interested in the state of SE Licensing

Lunch?: Lunch will be provided to folks who attend in-person  
(please RSVP to [AelsBoard@Alaska.Gov](mailto:AelsBoard@Alaska.Gov) so we get a headcount)

Alaska State Board of Registration for  
Architects, Engineers, and Land Surveyors

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofArchitectsEngineersandLandSurveyors.aspx>

**From:** [Loren Leman](#)  
**To:** [Bear, Tonya \(DEC\)](#)  
**Cc:** [Jeff Garness](#); [Neal, Sara J \(CED\)](#)  
**Subject:** Suggested edits to 18AAC72 rewrite  
**Date:** Wednesday, February 22, 2023 5:30:53 PM  
**Attachments:** [Problematic DEC language in 18AAC72 rewrite.pdf](#)

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**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Tonya,

I have attached excerpts from DEC's rewrite of 18AAC72 with troublesome words highlighted. Your proposed new language perhaps inadvertently assigns supervisory control to an engineer who might be responsible only for construction observation and maybe special, interim and final inspections. The terms "engineer responsible for construction of the system" and "supervising engineer" seem to assign a construction management role and responsibility to the Engineer that does not align with actual construction practice.

Very seldom is the engineer on a project responsible for construction supervision. Perhaps this would be the case if a contractor who actually is responsible for construction had a registered professional engineer on staff (or on contract) who was assigned these responsibilities. Or alternatively, if an owner (perhaps a community in Alaska) did a project by force account construction and had a professional engineer on staff (or on contract) with these responsibilities, an engineer would be functioning in this role.

But both of these examples are the exception, rather than the rule in construction in Alaska. More typically, a contractor has a superintendent responsible for construction, and the Owner might have a Representative on the job site, perhaps a registered professional engineer or a person under the engineer's responsible charge.

At our February 8 & 9 meetings the Chair of the Board of Registration for Architects, Engineers & Land Surveyors (AELS Board), Catherine Fritz, AIA, assigned Jeff Garness, P.E. and me to reach out to you to convey the Board's concerns. We suggest revisions that we believe is what DEC really wants, while maintaining the correct responsibilities for participants in a construction project:

1. Delete "supervises" and insert "observes" on Page 76;
2. Insert "observation" after "construction" on Page 85;
3. Delete "visual observation of or" on Page 99;
4. Delete definition 16 on Page 99; and
5. Delete definition 100 on Page 112.

Respectfully,

Loren Leman, P.E.  
AELS Board Member  
Civil Engineer  
(907) 243-2000



(2) a system documented in accordance with 18 AAC 72.650(c) or 18 AAC 72.660 if no plan approval is required;

(3) written approval from the department issued under 18 AAC 72.200 – 18 AAC 72.290 if plan approval is required by 18 AAC 72.611(b); and

(4) a permit from the department if the department requires a permit under 18 AAC 72.010. (Eff. XX/XX/XXXX, Register XXX)

**Authority:** AS 44.46.020 AS 46.03.020 AS 46.03.100

**18 AAC 72.610. Plan review and permit fees.** Repealed. (Eff. 2/19/93, Register 125; am 11/10/94, Register 132; repealed 1/17/2002, Register 161)

**18 AAC 72.611. Alternative wastewater systems not requiring plan approval.** (a) An alternative onsite system may be installed or modified without prior department approval if the system

(1) serves a private residence, multi-family dwelling, small commercial facility, or combination thereof, with a total on lot design flow of 1500 gallons per day or less; or

(2) consists of holding tanks only and serves a temporary or mobile camp associated with mining or oil and gas development; and

(3) meets all separation distance requirements in 18 AAC 72.620;

(4) meets all construction requirements in 18 AAC 72.630;

(5) is installed according to the design and specification of a registered engineer;

and

(6) the registered engineer, or a person under their responsible charge, supervises construction as necessary to ensure system was constructed in compliance with the design and to prepare the record documents as required by 18 AAC 72.650(c).

(b) An alternative wastewater system that does not meet the requirements of (a)(1) or (a)(2) of this section or that is connected to a source of nondomestic wastewater, must have prior department approval in accordance with 18 AAC 72.200 – 18 AAC 72.290. (Eff.

XX/XX/XXXX, Register XXX)

<b>Authority:</b>	AS 44.46.020	AS 46.03.050	AS 46.03.100
	AS 46.03.020	AS 46.03.070	

**18 AAC 72.615. Alternative wastewater systems requiring plan approval.** (a) Plans for construction of an alternative wastewater system must include the requirements under 18 AAC 72.205 and 18 AAC 72.245.

(b) For systems proposing an advanced treatment unit or package plant, the submittal must include

(1) documentation the unit is certified by *NSF International Standards/American National Standard NSF/ANSI 40* or equivalent third party accreditation organization; or

(2) a monitoring and sampling plan to demonstrate the treatment unit can successfully treat wastewater for at least one year after installation.

(c) For systems proposing an alternative soil absorption system, the submittal must include

(1) site plans showing the location of all existing or proposed development, the area reserved for replacement soil absorption system, topography, and, within 200 feet of the system, all private or public water systems and surface water;



least one day prior to beginning construction or modification of the alternative onsite wastewater system. The notification must include

- (1) the legal description and physical address of the property where the installation or modification will occur, including directions to the site;
- (2) the name and telephone number of the engineer responsible for the system installation and documentation; and
- (3) the scheduled date of the installation or modification.

(b) If a registered engineer is unable to

(1) provide the notice within the time required by (a) of this section for reasons beyond the control of the engineer, notification shall be given to the department as soon as possible and before beginning construction or modification; or

(2) install or modify on the date noticed under (a) of this section, the engineer shall notify the department of the new scheduled date as soon as possible and before beginning construction or modification.

(c) Within 90 days after completing the installation or modification of an alternative wastewater system under 18 AAC 72.611(a), the registered engineer responsible for construction of the system shall submit to the department a completed registration package that includes

(1) the registered engineer's seal, signature, and date on the department provided documentation of construction form;

(2) record drawings including a scaled site plan, cross-sections, and details as needed to adequately document system construction and facilitate the department's review;

(3) a signed statement from the owner or operator of the system on a form provided by the department certifying the owner or operator

(15) "construction observation" or "observing construction" means visual observation of or visually observing the quality of construction, and the equipment and materials used for construction such that the observing engineer, or a person under their responsible charge, has the information necessary to provide a professional opinion regarding the system's conformance to approved construction documents, AS 46.03, and this chapter;

(16) "construction supervision" or "supervising construction" means providing oversight and direction during construction such that the supervising engineer, or a person under their responsible charge, can validate the system was constructed in accordance with the requirements of this chapter, conforms to department published best management practices, and has the information necessary to prepare accurate record documents;

(17) "conventional onsite wastewater system" means a conventional wastewater system that

(A) receives only domestic wastewater; and

(B) is located wholly on property owned by the person(s) or entity who also has ownership of the dwellings, buildings, and structures it serves;

(18) "conventional soil absorption system" means a wastewater treatment and disposal system that

(A) receives wastewater that, at a minimum, has received primary treatment;

(B) is of a typical 5-wide, shallow trench, deep trench, bed, or seepage pit design;

(C) uses natural subsurface undisturbed soils, with or without a sand liner, for treatment above a limiting condition;

(93) "small commercial facility" means a single commercial, institutional, or industrial building with an expected peak design flow of 500 gpd or less of domestic wastewater only; "small commercial facility" does not include a building or portion of a building that contains a residential dwelling;

(94) "soil absorption system" means a constructed system using soil for the treatment and disposal of effluent from a treatment process; "soil absorption system" may treat and dispose of domestic or nondomestic wastewater; "soil absorption system" does not include a cesspool;

(95) "springline" means the line of greatest horizontal dimension of the end cross-section of a pipe, the horizontal centerline of the pipe;

(96) "stabilization pond" means a shallow body of liquid or sludge contained in an earthen basin and designed to treat wastewater or septage sludge;

(97) "standard designated regulatory services" has the meaning given in AS 37.10.058;

(98) "stormwater" has the meaning given in 18 AAC 83.990

(99) "stormwater pollution prevention plan" means a facility's plan to prevent or control the discharge of pollutants in stormwater runoff, as required by a permit required under 33 U.S.C. 1342(p) (Clean Water Act, Sec. 402(p)) and 18 AAC 83.990;

(100) "supervising construction" means construction supervision;

(101) "toxic substance" has the meaning given in 18 AAC 70.990.

(102) "treatment works" means the central portion of a wastewater system that contains the various treatment processes, exclusive of the collection system;





THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

## Department of Environmental Conservation

DIVISION OF ENVIRONMENTAL HEALTH  
Drinking Water Program  
DIVISION OF WATER  
Water Quality and Wastewater  
Discharge Authorization Programs

610 University Avenue  
Fairbanks, Alaska 99709  
Main: 907.451.2108  
Toll free: 800.770.2137  
Fax: 907.451.2188  
[dec.alaska.gov](http://dec.alaska.gov)

March 10, 2023

Jeffrey Garness, P.E.  
Department of Commerce, Community, and Economic Development  
Board of Registration for Architects, Engineers, and Land Surveyors  
PO Box 110806  
Juneau, AK 99811-0806

RE: AELS Guidance Manual-DEC Comments on Sealing of Record Drawings

Dear Mr. Garness:

On February 10, 2023, we received your email soliciting comments on the proposed updates to the AELS Guidance Manual as it relates to the subject of signing and sealing record drawings. The engineering staff at the Alaska Department of Environmental Conservation (DEC) Environmental Health Division's, Drinking Water (DW) Program and Division of Water's Water Quality and Wastewater Discharge Authorization (WQ/WDA) Programs have reviewed the proposed guidance manual section on record drawings and provide the enclosed comments. We appreciate you and the Board reaching out to us to request the Department's input in this important matter.

### Background

State of Alaska Drinking Water Regulations, 18 AAC 80, require record drawings, signed and sealed by a licensed engineer, to be able to issue final approval to operate new construction or modifications of public drinking water systems. The Drinking Water regulations in 18 AAC 80.210(f) state: "The department will grant final approval to operate if the department receives a request for final approval to operate and if: (1) record drawings, signed and sealed by a registered engineer, are submitted after construction completion or during the interim approval period; (2) the record drawings submitted under (1) of this subsection confirm that the system meets the requirements of this chapter and provide public health protection;..."

State of Alaska Wastewater Regulations, 18 AAC 72, may also require record drawings be signed and sealed by a licensed engineer as a condition of issuing final approval to operate. Proposed amendments to the Wastewater regulation at 18 AAC 72.240 (issued for public comment beginning January 2022) clarified when Record Drawings need to bear a new signed seal versus when they would be accepted with only the signature of the observing engineer within a record drawing block. No opposing comments were received on the revised language of 18 AAC 72.240,

so it likely will remain as proposed. Regardless of the difference in language between 18 AAC 80 and 18 AAC 72, the Drinking Water and Wastewater programs equally rely on submitted record drawings to complete the engineering review and approval process.

Sometimes changes in design are made during construction and DEC needs those changes to be evaluated and documented by an engineer overseeing that part of the project. Modifications to the design by a contractor during construction could constitute engineering without a license, and should require an evaluation by an engineer. By providing signed and sealed record drawings, the submitting engineer helps verify the following basic information about the constructed components/improvements:

- They are accurately depicted in the drawings to the best of his/her knowledge
- They match the design DEC approved for construction, or if there are any field-changes in design, those are clearly indicated for DEC's final review
- They comply with the requirements of 18 AAC 80 and 18 AAC 72, as applicable
- They were built in conformance with accepted engineering standards in the State for ensuring public health protection and protection of the environment

The AELS regulations' emphasis on engineering oversight and engineer's responsibility for the signed and sealed final drawings as emphasized in 12 AAC 36.185(a)(1), (a)(3), (a)(7), (b), and (e) matches well with what DEC's DW and WQ/WDA Programs need from record drawings submitted with final approval to operate requests. In addition, we would like to point out that sealing and signing record drawings is an acceptable and recommended practice at the national level to help protect public safety and health in civil projects. This is eloquently summarized by the Policy Statement 290 from American Society of Civil Engineers (ASCE), which ASCE first adopted in 1983 (<https://www.asce.org/advocacy/policy-statements/ps290---post-construction-drawings-of-civil-engineering-projects>).

Thank you for requesting our input and comments on the proposed AELS Guidance Manual updates. Please contact us if you have any questions about our comments, or would like us to attend any of the upcoming Board meetings where these issues are discussed.

Sincerely,



Johnny Mendez, P.E.  
Engineer 2  
DEC/EH/Drinking Water Program



Tonya Bear, P.E.  
Engineer 2  
DEC/DOW/WQ&WDA Programs

Enclosure: Specific Comments on AELS Guidance language  
ASCE Policy Statement 290

cc: Cindy Christian, DEC Drinking Water Program Manager  
Terri Lomax, DEC Water Quality Program Manager  
Gene McCabe, DEC Wastewater Discharge Authorization Program Manager  
Randy Bates, Director, DEC Division of Water  
Christina Carpenter, Director, DEC Environmental Health Division

**Record Drawings** document the actual construction, and sometimes differ from the design drawings originally approved for construction. They are not required for all projects but may be required by contract or regulation. In some cases, record drawings are produced solely from information provided by contractors and/or the owner. When Record Drawings are produced solely from information provided by others, they must not be sealed by the design professional. In such cases, the standard practice is to make edits to the original design drawings and provide a disclaimer that the drawing was produced from information provided by others. The professional may offer an opinion on the validity or accuracy of the drawings. When record drawings are produced from information compiled by the design professional during their inspections/observations of the construction, and from supplemental information provided by others, the Record Drawings may be sealed; however, the design professional should address what information was provided by others, if it is not otherwise apparent.



### **DEC Comments and Other Considerations**

Rather than providing specific wording for the paragraph above, DEC has listed comments and ideas below for the Board to consider when updating the paragraph and guidance on record drawings.

- We recommend that the guidance include a definition of what constitutes a record drawing. We suggest the definition contain the common use of the term found in other states and expressed in ASCE Policy 290, which indicates record drawings should be prepared under the direction and supervision of licensed professional engineer.
  - When required by regulation, the record drawings may need to be sealed by a registered engineer. The engineer should consult with appropriate authority having jurisdiction to verify these requirements.
- We also suggest that the term “As-Built” drawing be defined. We suggest the meaning in ASCE Policy 290 be used in guiding that definition: “...as-builts are typically completed by the contractor and are without a seal. There are many forms of post-construction drawings that serve this purpose to a certain extent and contain valuable information but may not have the final review provided by the engineer of record.”
- Once those two definitions are crafted, then the specific guidance the Board would like to provide related to record drawings can refer to these defined terms and in so doing make the guidance clearer to the engineer using the Manual.
- DEC would like the guidance to emphasize that field modifications to the original, approved design must be clearly noted in record drawings. Such modifications should be evaluated by the engineer issuing the record drawings. The evaluation would ensure that the design objectives are being met and that public health and safety are not compromised. Without vetting from an engineer, modifications made by contractors during construction may constitute engineering without a license.
- Regarding portion of the paragraph that talks about the accuracy of the drawings and the extent of the responsibility of the engineer sealing the record drawings, we suggest the using wording that more closely matches the phrasing in AELS regulation and Statutes. For

example: "... By sealing and signing the record drawings, the registered professional certifies that the drawings were prepared by or under the registrant's direct supervision and are within the registrant's field of practice; if there are elements or aspects of the project not covered by the seal and signature, the registered professional may delineate the extent of the registrant's responsibility in an area adjacent to their seal and signature.

- Please note that disclaimer language should not discredit the intention of the professional seal (waive away all responsibility). Such disclaimers may not be acceptable to regulatory agencies that require signed and sealed record drawings to help verify conformance with regulations. DEC has accepted reasonable disclaimer language in record drawings in the past. Below are a few such examples we are providing in case it helps in the Board's deliberation/discussion.
- We also would like to point out that it is not the intent of DEC that record drawings verify the accuracy of a project to the minutest of detail. For example, we do not need the engineer to verify the placement of water and sewer mains to 1/10<sup>th</sup> of an inch accuracy. But we would need the drawings to be of sufficient accuracy to verify that the sewer and water main meet the 10-foot horizontal separation distance required by regulation (18 AAC 80.020).
- Regarding the issue of double stamping drawings:
  - In the case when the design engineer is different than the observing engineer that is responsible to provide record drawings, 12 AAC 36.195 of the AELS regulations has guidelines for site adaptation and field alteration of sealed documents that may be useful to consider
  - In the case when the design engineer is the same as the observing engineer that is responsible to provide record drawings, DEC has accepted "record drawing" signature blocks with acceptable disclaimer language that is signed and dated by the observing engineer without an accompanying engineering seal and signature. (We would prefer the record drawing block also include the printed name of the engineer and their license number)

RECORD DRAWING		
REV.	DESCRIPTION	DATE
	RECORD DRAWING RED LINES	
<p>I (OR AN INDIVIDUAL UNDER MY DIRECT SUPERVISION) HAVE COMPLETED A POST CONSTRUCTION OBSERVATION OF THESE FACILITIES AND REVIEWED INFORMATION PROVIDED BY OTHERS. TO THE BEST OF MY KNOWLEDGE WORK HAS BEEN COMPLETED IN ACCORDANCE WITH THESE DRAWINGS.</p>		
<p>THESE ARE NOT CONSTRUCTION DOCUMENTS AND ARE NOT INTENDED FOR DESIGN OR CONSTRUCTION PURPOSES WITHOUT PRIOR FIELD VERIFICATION.</p>		

**RECORD DRAWING**

THIS DRAWING HAS BEEN PREPARED BY [REDACTED]  
DESIGN, LLC BASED ON INFORMATION  
SUBMITTED BY THE CONSTRUCTION  
CONTRACTOR. I (OR AN INDIVIDUAL UNDER MY  
DIRECT SUPERVISION) HAVE INSPECTED THE  
COMPLETED WORK AND HAVE REVIEWED THE  
INFORMATION PROVIDED BY THE CONSTRUCTION  
CONTRACTOR. TO THE BEST OF MY KNOWLEDGE,  
THIS DRAWING REPRESENTS THE INSTALLED  
WORK. AN AS-BUILT SURVEY HAS NOT BEEN  
PERFORMED. FIELD VERIFY INFORMATION  
CONTAINED HEREON BEFORE USE.

[Name], [Title]

Date



## RECORD DRAWINGS CERTIFICATION

THESE DRAWINGS REFLECT RECORDED AS-BUILT INFORMATION OBTAINED DURING CONSTRUCTION. I (OR AN INDIVIDUAL UNDER MY DIRECT SUPERVISION) HAVE CONDUCTED A POST CONSTRUCTION OBSERVATION OF THE FACILITIES AND REVIEWED AS-BUILT INFORMATION RECORDED BY OTHERS. TO THE BEST OF MY KNOWLEDGE ALL WORK THAT HAS BEEN INSTALLED IS IN ACCORDANCE WITH THESE DRAWINGS.

NAME: name/title signature of engineer DATE: \_\_\_\_\_

DRAFT

# Policy Statement 290 - Post-construction drawings of civil engineering projects

🏠 / Advocacy ▼ / Policy Statements ▼ / PS290 - Post-construction drawings of civil engineering projects

Approved by the Infrastructure and Research Policy Committee on April 21, 2021

Approved by the Public Policy and Practice Committee on May 6, 2021

Adopted by the Board of Direction on July 16, 2021

## Policy

The American Society of Civil Engineers (ASCE) believes that post-construction drawings of record documenting the location and layout of civil engineering projects should be prepared following project completion under the direction/supervision of licensed professional engineers and/or professional surveyors. Complete post-construction record drawings are a document of the location and layout of civil engineering projects. Record drawings are the recommended method and provide a means to retain technical information in a central location. All project owners are encouraged to invest in record drawings for completed projects.

## Issue

Record drawings are used to verify substantial compliance with the design documents for inventory, asset management, maintenance needs, and for record keeping purposes. Record drawings are distinct from “as-builts” because record drawings should be and often are sealed by the engineer or surveyor of record that provided oversight during construction whereas as-builts are typically completed by the contractor and are without a seal. There are many forms of post-construction drawings that serve this purpose to a certain extent and contain valuable information but may not have the final review provided by the engineer of record.

## Rationale

The health, safety, and welfare of the public can be compromised by the failure to record the constructed location and physical characteristics of civil engineering projects. Record drawings and all post-construction drawings are valuable sources of information.

This policy has worldwide application

ASCE Policy Statement 290  
First Approved in 1983

- INFRASTRUCTURE POLICY & PLANNING
- SAFETY

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**From:** [Nolan Willis](#)  
**To:** [Board of AELS \(CED sponsored\)](#)  
**Cc:** [Investigations \(CED sponsored\)](#)  
**Subject:** RE: Enforcement of PE Licensure Requirements  
**Date:** Wednesday, February 22, 2023 3:49:19 PM

---

Sarah,

I appreciate the response. How would I go about recommending the repeal of Sec. 08.48.331(10), commonly known as the "industrial exemption"? In my opinion, this exemption has been stretched beyond reason and so badly abused that it probably needs to be eliminated or, at least, narrowed down in scope so that major companies cannot get away with using unlicensed individuals to perform engineering work that really needs to be done by professionals. For instance, when I worked at ML&P, a controversy came up because the position of Management was that we didn't need licensed engineers to do engineering work because our work was for our business only. The problem is that ML&P's facilities were all over town and in public places, serving members of the public. Likewise, telecommunications facilities serve the public and are installed in public places. Technically speaking, oil and gas companies can probably hide behind this exemption too, but experience has shown that cutting corners in this industry has resulted in bad consequences. There was a time when experienced workers without licenses (or even engineering degrees, in some cases) had adequate skill to handle a number of these responsibilities because they worked their ways up through the trades, knew what worked, and knew what didn't work, but the times are different now. Today, we have more codes and standards; technical matters are more complicated than they were in the past, opportunities to learn technical skills on the job are diminishing, and there seems to be an increasing divide between the technical competence of those who are in managerial positions and the technical competence of those who are in engineering-related positions. On top of this, a lot of the legacy workforce is retiring, and there seems to be a big temptation for companies to fill positions with marginally qualified personnel that are not truly competent enough to make the sorts of decisions that they are making, and management personnel are not frequently able to detect such deficits because of their own lack of understanding. I could be wrong in my assessment, but I think this is a ticking time bomb.

Respectfully,

**Nolan Willis, P.E. | Sr. Electrical Engineer**

New Horizons Telecom, Inc.

901 Cope-Industrial Way

Palmer, Alaska 99645

Desk: 907-761-6068

Cell: 907-952-2491

[nhtiusa.com](http://nhtiusa.com)



---

**From:** Board of AELS (CED sponsored) <aelsboard@alaska.gov>

**Sent:** Wednesday, February 22, 2023 2:46 PM

**To:** Nolan Willis <nwillis@nhtiusa.com>

**Cc:** Investigations (CED sponsored) <investigations@alaska.gov>

**Subject:** RE: Enforcement of PE Licensure Requirements

**CAUTION - EXTERNAL EMAIL:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Nolan,

Thank you for bringing up these concerns. All investigations and enforcement actions are initiated based on complaints submitted to the Division of Corporations, Business, and Professional Licensing's Investigations Unit. When you or others in the industry hear of people or companies providing or offering services for which they are required to have a license that they do not possess, please be sure to report these. The division's Investigation's webpage provides the contact information, a Request for Contact form (which is how to initiate a complaint), and guidance on the investigative process:

<https://www.commerce.alaska.gov/web/cbpl/Investigations.aspx>

You asked about enforcement actions taken over the last year few years. We cannot provide any information on complaints received or investigations taken, as that is all completely confidential. However, we do publicize when disciplinary action is taken. You can see the disciplinary action reports for 2017-2022 on our Disciplinary Action Reports webpage. Within each report, you'll need to search to see what action took place under the "Architects, Engineers, and Land Surveyors" program. (The programs are listed alphabetically, so if you don't see it towards the top, there was likely no disciplinary action under this program that year.) <https://www.commerce.alaska.gov/web/cbpl/DisciplinaryActionReports.aspx>

If you need additional disciplinary action information, you will likely need to submit a public records request as what's available on our website is what we have readily available. More information on how to submit a public records request to our division can be found at

<https://www.commerce.alaska.gov/web/cbpl/PublicRecordsRequests.aspx>

Finally, I'll be happy to pass on your message to the board to discuss during their May 10-11, 2023 meeting. You are also welcome to call in during the public comment period of that meeting if you'd like to provide verbal comments to the board. Once we are closer to the meeting date, the agenda with the link to join via Zoom will be posted at

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofArchitectsEngineersandLandSurveyors/BoardMeetings.aspx>

Again, thank you very much for bringing up this issue, and please encourage all industry members and stakeholders to submit complaints when they hear of unlicensed practice as we do want to be investigating these matters and taking action where unlawful unlicensed practice takes place.

*Sara Neal*

Executive Administrator

Board of Registration for Architects, Engineers and Land Surveyors

[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)

(907)465-2540

---

**From:** Nolan Willis <[nwillis@nhtiusa.com](mailto:nwillis@nhtiusa.com)>

**Sent:** Wednesday, February 22, 2023 10:39 AM

**To:** Board of AELS (CED sponsored) <[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)>

**Subject:** Enforcement of PE Licensure Requirements

You don't often get email from [nwillis@nhtiusa.com](mailto:nwillis@nhtiusa.com). [Learn why this is important](#)

**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have a concern that I wish to express to the AELS board.

Per relevant statutes, one may not perform engineering duties where licensure is required without an active license, and one may not call himself an “engineer” or say that he is doing “engineering” work in this state without a license. I would also expect that companies cannot legally pay people to do work that is called “engineering” or have people in job positions that have the word “engineer” in the title unless the relevant personnel are appropriately licensed. Nevertheless, this has become a common practice because of a lack of enforcement. Right now, we have a situation where a lot of cheapskate companies are trying to hire people to do “engineering” work for them with or without a license, and we have been losing business because prospective customers know that there is always someone who is willing to do the same work more cheaply and often to a lesser quality standard. Often, the cheaper workers are people who are not licensed but have some level of technical skill that might pass for carrying out some engineering duties. There are people all over the state without appropriate licensure doing design work and making decisions to either modify or construct electrical, electronic, and communications facilities where public safety and welfare may be a concern, and this is a problem. Sometimes, these activities are done off-record and without appropriate documentation so that nobody gets in trouble. In my line of work, I have frequently found that the as-built conditions of various sites differ considerably from record drawings, if they even exist. There are also a number of scenarios where people without appropriate technical knowledge are making decisions that impact matters of an engineering nature without appropriate consultation with licensed personnel, and this is also a problem. This all comes from the fact that businesses want to get jobs done, but they don’t want to pay licensed engineers to do them because they think we are too expensive.

What I am describing is an ongoing problem, and it has been getting worse. The telecom companies and electric utilities are some of the worst offenders, and arguably, telecommunications equipment provides important life and safety functions. Could someone please explain how the statutes have been enforced and provide a history of the enforcement actions that have been taken over the past ten years? Some time ago, a coworker showed me a letter that another professional engineer submitted to the AELS board concerning this same topic. What is being done about this? As licensed engineers, can we expect the same level of protection for our profession that medical and legal professionals enjoy? In a time when many professional engineers are retiring and relatively few younger engineers are replacing them, this is not the time to be making the merits and privileges of our licensure irrelevant through inaction.

Respectfully,

**Nolan Willis, P.E. | Sr. Electrical Engineer**

New Horizons Telecom, Inc.

901 Cope-Industrial Way

Palmer, Alaska 99645

Desk: 907-761-6068

Cell: 907-952-2491

[nhtiusa.com](http://nhtiusa.com)



**From:** [Catherine Fritz](#)  
**To:** [Jeff Garness](#); [Board of AELS \(CED sponsored\)](#)  
**Subject:** Re: Just a quick question.  
**Date:** Friday, March 17, 2023 1:33:47 PM

---

Sara, let's put this on our agenda for May meeting to see what the board thinks about the 2 issues - use of stamp for other than documents, and "3 part sealing". We'll see what Board thinks before requesting help from others...

Thx.  
Catherine

[Sent from Yahoo Mail for iPhone](#)

On Friday, March 17, 2023, 10:08 AM, Jeff Garness <[Jeff@garnessengineering.com](mailto:Jeff@garnessengineering.com)> wrote:

That will be the Chair's call. I don't think we should encourage people to use a seal as "art"; however, I don't believe a document is "sealed" until the seal is signed/dated.

Jeff

---

**From:** Board of AELS (CED sponsored) <[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)>  
**Sent:** Friday, March 17, 2023 9:57 AM  
**To:** Catherine Fritz <[jnucatherine@yahoo.com](mailto:jnucatherine@yahoo.com)>; Board of AELS (CED sponsored) <[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)>; Jeff Garness <[Jeff@garnessengineering.com](mailto:Jeff@garnessengineering.com)>  
**Subject:** RE: Just a quick question.

So I have to say that, while I can forward this on to legal, I don't think this will get past my supervisor as legal is inundated with drafting legislation for the legislature right now.

Let me know if you want me to pass the issue on to Glenn

---

**From:** Catherine Fritz <[jnucatherine@yahoo.com](mailto:jnucatherine@yahoo.com)>  
**Sent:** Friday, March 17, 2023 9:06 AM  
**To:** Board of AELS (CED sponsored) <[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)>; Jeff Garness <[Jeff@garnessengineering.com](mailto:Jeff@garnessengineering.com)>  
**Subject:** Re: Just a quick question.

Good point, Jeff. I get your line of reasoning... but the word ONLY in (2) seems more specific. If you think about intent, I don't believe that our stamps were meant to be used for anything besides demonstrating legal responsibility of a document. And I don't see products on the market that use our stamps like t-shirts, or keychains, or luggage tags. I wouldn't want to tell Mr. Sorenson "Yes" without other review, maybe legal??



Catherine

On Friday, March 17, 2023, 08:58:30 AM AKDT, Jeff Garness  
<[jeff@garnessengineering.com](mailto:jeff@garnessengineering.com)> wrote:

This goes back to my original argument.....to "Seal" a document, you need to apply the seal, sign the seal, and date the seal. It is arguable that an document with an unsigned seal is not a "sealed" document.

Jeff

---

**From:** Catherine Fritz <[jnucatherine@yahoo.com](mailto:jnucatherine@yahoo.com)>  
**Sent:** Friday, March 17, 2023 8:54 AM  
**To:** Board of AELS (CED sponsored) <[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)>  
**Cc:** Jeff Garness <[Jeff@garnessengineering.com](mailto:Jeff@garnessengineering.com)>  
**Subject:** Re: Just a quick question.

Hmmm... I think the relevant section is "(2) approve and seal **only** design documents and surveys..." and therefore he cannot use his stamp artfully.

I agree with Jeff that stamping is a 3-step process that could be better stated in our regs.

Catherine

On Mar 17, 2023, at 8:40 AM, Board of AELS (CED sponsored)  
<[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)> wrote:

Hi Catherine –

What is your opinion on this question? (Start at the bottom)

---

**From:** Jeff Garness <[Jeff@garnessengineering.com](mailto:Jeff@garnessengineering.com)>  
**Sent:** Thursday, March 16, 2023 5:45 PM  
**To:** Board of AELS (CED sponsored) <[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)>  
**Subject:** RE: Just a quick question.

Wow! It is something new and exciting every day.

That section of the regulations is not well written. I personally think we need to clarify in the regulation and/or in the Guidance Manual that "sealing" a document is a three-step process that requires a seal, a signature on the seal, and a date on the seal; therefore, a seal without a signature/date is just the equivalent of an unsigned "signature block".

I personally don't think use of his seal "artfully" in his book is problematic; however, he cannot sign it and put a date on it.

I would be interested to know what Catherine thinks.....jeff

Jeffrey A. Garness, P.E., M.S.

AELS Board Member

Civil/Environmental Engineer

Mobile: (907) 244- 9612

---

**From:** Board of AELS (CED sponsored) <[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)>  
**Sent:** Thursday, March 16, 2023 4:52 PM  
**To:** Jeff Garness <[Jeff@garnessengineering.com](mailto:Jeff@garnessengineering.com)>  
**Subject:** FW: Just a quick question.

Just when I thought I'd heard everything – Based on 36.185 – it points to “document dealing with professional services” and then in 3 – certain kinds of documents – since his book is neither of those, I would say he could use his stamp, but wanted to get your opinion. – Thanks!!

12 AAC 36.185. USE OF SEALS. (a) A registrant may

- (1) not sign or seal a drawing or document dealing with professional services in which the registrant is not qualified to sign or seal by virtue of education, experience, and registration;
  - (2) approve and seal only design documents and surveys that are safe for public health, property, and welfare in conformity with accepted architecture, engineering, land surveying, and landscape architecture standards in Alaska;
  - (3) seal only final drawings, surveys, reports, and required construction documents for which the registrant is qualified to seal and for which the registrant claims responsibility;
  - (4) not knowingly allow the use of his or her seal by another person on a document that the registrant has neither prepared nor reviewed personally;
  - (5) not use the seal or a reproduction of the seal of another registrant on a document, regardless of the intended use of the document;
  - (6) not sign a name other than his or her own name over a seal, and may not forge the signature of the individual to whom the seal was issued by the board; and
  - (7) not sign or seal drawings, documents, or other professional work for which the registrant does not have direct professional knowledge and direct supervisory control.
- (b) If portions of drawings, documents, or other professional work are prepared by other registered professionals, a registrant may seal only that portion of the work for which the registrant has direct professional knowledge and direct supervisory control.
- (c) Repealed 10/31/2019.
- (d) The registrant shall include the date each time the registrant signs and seals a document by electronically or manually inserting the date within the seal or within two inches of the seal.

---

**From:** johnny [truesecretofgolf.com](mailto:johnny@truesecretofgolf.com) <[johnny@truesecretofgolf.com](mailto:johnny@truesecretofgolf.com)>  
**Sent:** Wednesday, March 15, 2023 3:33 PM  
**To:** Board of AELS (CED sponsored) <[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)>  
**Subject:** Just a quick question.

You don't often get email from [johnny@truesecretofgolf.com](mailto:johnny@truesecretofgolf.com). [Learn why this is important](#)

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I am a retired Civil Engineer, CE 4486 G. John Sorenson. I haven't kept my stamp up, I retired and have remained retired. I am writing a fiction book about a young lady who cuts herself to relieve stress. The book has nothing to do with Engineering, but I would like to use my Stamp as an introduction to myself, as a retired engineer who is also a pilot and author. Probably put it on like the first page, maybe the title page. I was thinking, "How would I do that?" Is it against the law? The book has nothing to do with engineering, but is about her experiences in a community that is not accepting of her and that is why she cuts herself. Maybe you can give me an idea about how to frame it.

**From:** [Lucas Smith](#)  
**To:** [Senate.Labor.And.Commerce@akleg.gov](mailto:Senate.Labor.And.Commerce@akleg.gov)  
**Cc:** [Board of AELS \(CED sponsored\)](#)  
**Subject:** Public Testimony, SB73  
**Date:** Wednesday, April 12, 2023 10:12:34 PM

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**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Senate Labor & Commerce Committee Members:

In today's testimony on SB73 we heard how interior designers in other states undergo education, experience, and examination to secure their license to practice independently from licensed architects. We also heard how interior design is professional work that falls completely within the scope of work associated with licensed architects. Frankly, the need to designate a special class of design professional that simply performs a limited scope of architectural work escapes me.

First, I reject the assertion that interior design, as it is familiarly performed, warrants the need for a license. Despite being a profession that may involve aspects of public health and safety, such work does not and should not rise to a health and safety threshold at the level of specialized engineering or architecture. Thus, the interior design profession does not warrant inclusion with the professions of engineering, architecture, and land surveying. Simply put, interior designers should not be lumped in with the professional licensing of engineering, architecture, and land surveying as the bill proposes to identify collectively as "Design Professionals". Instead, the familiar work performed by certified interior designers should be recognized as work that may be performed independent of a licensed architect, and without the proposed license requirement.

Second, as the sponsor cited in his testimony, I reject the premise of the argument that, because the Corps of Engineers has specified the need for a registered interior designer in a recent project, Alaska is in turn obligated to create a state mechanism for interior design licensure. The specification for a registered professional interior designer could easily be viewed as an oversight on behalf of the Corps of Engineers, as it is the prerogative of Alaskans to determine what professions do or do not require licensure, not the federal government, its agencies, or its contractors. For example, today in Alaska it is without question that only licensed architects and licensed engineers perform certain work. However, certainly it is possible that one day the people of Alaska may decide that requirement is no longer desired, is no longer necessary, or is otherwise not in the state's best interest – and still, even if engineering and architecture remain recognized as professions that could continue serving the general health, safety, and welfare of the public.

Lastly, the bill sponsor believes licensure and increased licensing is an avenue for opportunity and growth. Many others, including myself, would argue the opposite. Instead of seeking licensure, the certified interior designers of Alaska should argue that the Corps of Engineers' requirement for a registered professional interior designer licensee is invalid. The legislature's action, the board's action, or their coordinated actions to call out interior design as professional work which does not warrant licensure in the state of Alaska should aid the defense of this argument.

If we take the licensing of interior designers, as this bill proposes, and extrapolate its approach to the professions of civil engineering and land surveying, we can see how this approach will set a precedent for making a mess of professional licensing as we know it, as well as the significance of what it means to work in a profession that warrants licensing and to practice professional level work as a duly licensed professional.

If it is subsequently determined that the scope of interior design work is inseparable from the encompassing work of professional architecture, then perhaps the work of certified interior designers should remain a profession performed wholly under the supervision of licensed architects.

Please do not pass SB73 out of committee.

Sincerely,  
Lucas Smith, P.E.  
AELC14591

April 12, 2023

Honorable Jesse Bjorkman, Chairman  
Senate Labor & Commerce Committee  
State Capitol  
Juneau, Alaska 99801

Dear Senator Bjorkman and Committee members:

The Council of Landscape Architectural Registration Boards (CLARB), National Council of Architectural Registration Boards (NCARB), and National Council of Examiners for Engineering and Surveying (NCEES) thank you for sponsoring Senate Bill 126 (SB 126) for consideration by the Alaska Legislature. We applaud your Alaska State Board of Registration for Architects, Engineers, and Land Surveyors (AELS Board) for its work in revising statutes, regulations, and policy to support competency and accountability standards for professionals to protect the health, safety, and welfare of Alaskans.

SB 126 primarily updates statutory language, makes housekeeping changes, clarifies a few cross-discipline issues, and supports the registered professions. We support the legislation that was passed by a previous Alaska Legislature that enhanced opportunities for design professionals moving from other states who want to become registered in Alaska. Current national model law provides streamlined pathways and the Board's procedures align with current practice elsewhere. One example of conforming is the proposed revised definition of the practice of landscape architecture that relies on national uniform standards. This will benefit the Board when evaluating practice overlap and protecting residents and environments of Alaska.

All U.S. states, the District of Columbia, Puerto Rico, Guam, Northern Mariana Islands, and U.S. Virgin Islands currently have a professional licensing framework in place that requires applicants seeking an initial license in **architecture, engineering, land surveying, or landscape architecture** meet a national, uniform set of standards. These standards are important for mobility and support a more streamlined process for the AELS Board as it approves applications and enforces Alaska's standards.

We appreciate Alaska's memberships in our organizations and will continue to support you and the AELS Board in protecting Alaskans and improving opportunity for them by qualifying registrants and ensuring that design professionals are practicing responsibly. SB 126 will help do that.

Respectfully,



Matt Miller  
Chief Executive Officer, Council of Landscape Architectural Registration Boards (CLARB)

A handwritten signature in black ink, reading "Michael J. Armstrong". The signature is written in a cursive style with a horizontal line above the first name.

Michael J. Armstrong  
Chief Executive Officer, National Council of Architectural Registration Boards (NCARB)

A handwritten signature in black ink, reading "David Cox". The signature is written in a cursive style with a horizontal line above the first name.

David Cox  
Chief Executive Officer, National Council of Examiners for Engineering and Surveying  
(NCEES)



**From:** [Elizabeth Johnston](#)  
**To:** [dvoehl](#)  
**Cc:** [Neal, Sara J \(CED\)](#)  
**Subject:** Re: Engineer Licensing Question  
**Date:** Thursday, March 30, 2023 9:56:55 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
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Thanks for the update, I'm glad it worked out.

On Thu, Mar 30, 2023 at 9:50 AM Dusten Voehl <[dvoehl@palmerak.org](mailto:dvoehl@palmerak.org)> wrote:

Elizabeth,

Thank you for clarifying and providing a clear answer.

The owner/contractor is now pursuing an architect for the project.

*Cheers,*



**Dusten Voehl**

Building Inspector

**Phone:** 907-761-1329

**Mobile:** 907-982-6880

**Email:** [dvoehl@palmerak.org](mailto:dvoehl@palmerak.org)

**Office:**

645 E. Cope Industrial Way, Palmer, AK  
99645

Helpful links:

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[Sign Permit Application](#)

[Bldg. Inspection List](#)

---

**From:** Elizabeth Johnston <[lise.johnston@gmail.com](mailto:lise.johnston@gmail.com)>

**Sent:** Tuesday, March 28, 2023 11:06

**To:** Dusten Voehl <[dvoehl@palmerak.org](mailto:dvoehl@palmerak.org)>

**Cc:** Neal, Sara J (CED) <[sara.neal@alaska.gov](mailto:sara.neal@alaska.gov)>

**Subject:** Re: Engineer Licensing Question

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dusten,

This section also applies and I just thought of it. 08.48.341 definition of the practice of engineering does not include comprehensive architectural services.

(14) "practice of engineering" means professional service or creative work, the adequate performance of which requires the specialized knowledge of applied mathematics and sciences, dealing with the design of structures, machines, equipment, utilities systems, materials, processes, works, or projects, public or private; the teaching of advanced engineering courses in institutions of higher learning; the direction of or the performance of engineering surveys, consultation, investigation, evaluation, planning, and professional observation of construction of public and private structures, works, or projects and engineering review of drawings and specifications by regulatory agencies; "practice of engineering" may by regulation of the board include architectural building design of minor importance, but it does not include comprehensive architectural services;

On Mon, Mar 27, 2023 at 3:52 PM Elizabeth Johnston <[lise.johnston@gmail.com](mailto:lise.johnston@gmail.com)> wrote:

12 AAC 36.185 requires them to have "education, experience, and registration." that is not an OR statement.

Section 12 AAC 36.185 - Use of seals

(a) A registrant may

(1) not sign or seal a drawing or document dealing with professional services in which the registrant is not qualified to sign or seal by virtue of education, **experience**, and registration;

Additionally under 08.48.221. "seals" you will note that by affixing the seal they are representing that the documents are within their field of practice or constitute design work of minor importance. From what you say it seems this is not work of minor importance.

If they are sealed plans you can send in a complaint to our investigator and receive an official resolution on the matter. I know you're trying to work with them and hope that this helps. Don't send anything like plans to methought so if I end up being assigned the case it will be the first time I see anything on this particular issue.

**Sec. 08.48.221. Seals.** (a) Each registrant may obtain a seal of the design authorized by the board, bearing the registrant's name, registration number, and the legend "Registered Professional Architect," "Registered Professional Engineer," "Registered Professional Land Surveyor," or "Registered Professional Landscape Architect," as appropriate. When a registrant issues final drawings, specifications, surveys, plats, plates, reports, or similar documents, the registrant shall stamp the documents with the seal and sign the seal. The board shall adopt regulations governing the use of seals by the registrant. An architect, engineer, land surveyor, or landscape architect may not affix or permit a seal and signature to be affixed to an instrument after the expiration of a certificate or for the purpose of aiding or abetting another person to evade or attempt to evade a provision of this chapter. The registrant, by affixing the registrant's seal to final drawings, specifications, surveys, plats, plates, reports, or similar documents, and by signing the seal, certifies that the documents were prepared by or under the registrant's direct supervision, are within the registrant's field of practice, or constitute design work of minor importance.

Does that help?

Elizabeth Johnston, PE

On Mon, Mar 27, 2023 at 3:12 PM Dusten Voehl <[dvoehl@palmerak.org](mailto:dvoehl@palmerak.org)> wrote:

Elizabeth,

Looks like the professional CE is referencing the following to sign off on the design of the 21-plex:

Per engineering board guidelines **12 AAC 36.185. USE OF SEALS**. The P.E. as a design professional, can stamp the arch plans as this is within his experience and expertise.

[Section 12 AAC 36.185 - Use of seals, 12 Alaska Admin. Code § 36.185 | Casetext Search + Citator](#)

Am I off base in requesting an Architect to sign off on the plans or does the CE qualify under their use and experience?

Thanks,

Dusten Voehl

Building Inspector

City of Palmer

1-907-761-1329

---

**From:** Dusten Voehl

**Sent:** Monday, March 20, 2023 3:42:19 PM

**To:** Elizabeth Johnston <[lise.johnston@gmail.com](mailto:lise.johnston@gmail.com)>; Neal, Sara J (CED) <[sara.neal@alaska.gov](mailto:sara.neal@alaska.gov)>

**Subject:** RE: Engineer Licensing Question

Thank you Elizabeth!

*Cheers,*



**Dusten Voehl**

Building Inspector

**Phone:** 907-761-1329

**Mobile:** 907-982-6880

**Email:** [dvoehl@palmerak.org](mailto:dvoehl@palmerak.org)

**Office:**

645 E. Cope Industrial Way, Palmer, AK  
99645

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[Bldg. Inspection List](#)

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**From:** Elizabeth Johnston <[lise.johnston@gmail.com](mailto:lise.johnston@gmail.com)>

**Sent:** Monday, March 20, 2023 14:40

**To:** Dusten Voehl <[dvoehl@palmerak.org](mailto:dvoehl@palmerak.org)>; Neal, Sara J (CED)  
<[sara.neal@alaska.gov](mailto:sara.neal@alaska.gov)>

**Subject:** Re: Engineer Licensing Question

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Dusten,

Happy to help. I'm also copying the Board Administrator Sara Neal.

Question 1:

**When, if at all, can a CE sign off a set of structural plans?**

A licensed Civil Engineer can stamp Structural plans if it is within their experience, except for Significant Structures in the State of Alaska.

Reference 12 AAC 36.185 (7)(i)

(i) Drawings, engineering surveys, reports, and construction documents regarding the structural systems of a significant structure must be sealed by a registered structural engineer.

## Reference 12 AAC 36.990 Definitions of "Civil Engineering", "Structural Engineering", and "significant structure"

(4) "civil engineering" means the branch of professional engineering that embraces studies and activities relating to research, design, and construction of fixed works, **other than significant structures**, for irrigation, drainage, waterpower, water supply and treatment, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, sewerage, refuse disposal, foundations, structures, and bridges, and the organizational and economic aspects of these studies and activities;

(42) "structural engineering" means the branch of professional engineering that embraces the studies and activities relating to the investigation, evaluation, analysis, design and construction of buildings, bridges, and other structures such as walls, columns, slabs, beams, trusses, or similar members requiring force-resisting and load bearing members and their connections, or similar members used singly or as a part of a larger structure, and the organizational and economic aspects of these studies and activities;

(44) "significant structures" means

(A) hazardous facilities; in this paragraph, "hazardous facilities" means structures housing, supporting, or containing sufficient quantities of toxic or explosive substance to be of danger to the safety of the public if released;

(B) special occupancy structures; in this paragraph, "special occupancy structures" means

(i) buildings and other structures whose primary occupancy is public assembly with an occupant load greater than 300;

(ii) buildings and other structures containing an elementary school, secondary school, or day care facility with an occupant load greater than 250;

(iii) buildings and other structures containing adult education facilities, such as colleges and universities, with an occupant load greater than 500;

(iv) medical facilities with 50 or more resident, incapacitated patients;

(v) jails and detention facilities; and

(vi) all buildings or structures with an occupant load greater than 5,000;

(C) essential facilities that have a ground area of more than 4,000 square feet and are more than 20 feet in mean roof height above average ground level; in this paragraph "essential facilities" means

(i) hospitals and other medical facilities having surgery and emergency treatment areas;

(ii) fire and police stations;

(iii) tanks or other structures containing, housing, or supporting water or fire suppression material or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

(iv) emergency vehicle shelters and garages;

(v) structures and equipment in emergency preparedness centers;

(vi) standby power-generating equipment for essential facilities;

(vii) structures and equipment in government communication centers and other facilities requiring emergency response;

(viii) aviation control towers, air traffic control centers, and emergency aircraft hangars; and

(ix) buildings and other structures having critical national defense functions;

(D) structures exceeding 100 feet in height above average ground level;

(E) buildings that are customarily occupied by human beings and are four stories or 45 feet or more above average ground level; and

(F) bridges having a total span of more than 200 feet and piers having a surface area greater than 10,000 square feet;

## Question 2: Also, at what point is an architect required for a commercial project?

A person is required to be licensed in order to practice architecture. Reference 08.48.241 Prohibited Practice

**Sec. 08.48.281. Prohibited practice.** (a) A person may not practice or offer to practice the profession of architecture, engineering, land surveying, or landscape architecture in the state, or use in connection with the person's name or otherwise assume or advertise a title or description tending to convey the impression that the

person is an architect, an engineer, a land surveyor, or a landscape architect, unless the person has been registered under the provisions of this chapter or is a person to whom these provisions do not apply, or, in the case of a corporation, limited liability company, or limited liability partnership, unless it has been authorized under this chapter.

So first you look at the definition of architecture in 12 AAC 36.990 and see if what they are doing is under the "practice of architecture":

(13) "practice of architecture" means professional service or creative work in the design of buildings, the teaching of advanced architectural courses in institutions of higher learning, consultation, investigation, evaluation, planning, design, and professional observation of construction of public or private buildings, works, or projects, and architectural review of drawings and specifications by regulatory agencies; "practice of architecture" may by regulation of the board include mechanical, electrical, or structural design of minor importance;

Then you check the list of exemptions to this that are listed in 08.48.331 Exemptions. Examples include those preparing plans for a residence of not more than four-plex.

**Sec. 08.48.331. Exemptions.** (a) This chapter does not apply to

- (1) a contractor performing work designed by a professional architect, engineer, or landscape architect or the supervision of the construction of the work as a supervisor or superintendent for a contractor;
- (2) workers in building trades crafts, earthwork, grounds keeping, or nursery operations, and superintendents, supervisors, or inspectors in the performance of their customary duties;
- (3) an officer or employee of the United States government practicing architecture, engineering, land surveying, or landscape architecture as required by the person's official capacity;
- (4) an employee or a subordinate of a person registered under this chapter if the work or service is done under the direct supervision of a person registered under this chapter;
- (5) associates, consultants, or specialists retained by a registered individual, a partnership of registered individuals, a corporation, a limited liability company, or a limited liability partnership authorized to practice architecture, engineering, land surveying, or landscape architecture under this chapter, in the performance of professional services if responsible charge of the work remains with the individual, the partnership, or a designated representative of the corporation, limited liability company, or limited liability partnership;
- (6) a person preparing drawings or specifications for
  - (A) a building for the person's own use and occupancy as a single family residence and related site work for that building;
  - (B) farm or ranch buildings and their grounds unless the public health, safety, or welfare is involved;
  - (C) a building that is intended to be used only as a residence by not more than
    - (i) four families and that is not more than two stories high and the grounds of the building; or
    - (ii) two families and that is not more than three stories high and the grounds of the building, if the building is located in a municipality that has adopted a building or residential code that applies to the building and if the building complies with the building or residential code;
  - (D) a garage, workshop, or similar building that contains less than 2,000 square feet of floor space to be used for a private noncommercial purpose and the grounds of the building;
- (7) a specialty contractor licensed under AS 08.18 while engaged in the business of construction contracting for work designed by an architect, engineer, or landscape architect that is within the specialty to be performed or supervised by the specialty contractor, or a contractor preparing shop or field drawings for work that the specialty contractor has contracted to perform;
- (8) a person furnishing drawings, specifications, instruments of service, or other data for alterations or repairs to a building or its grounds that do not change or affect the structural system or the safety of the building, or that do not affect the public health, safety, or welfare;
- (9) a person who is employed by a postsecondary educational institution to teach engineering, architectural, or landscape architectural courses; in this paragraph, "postsecondary educational institution" has the meaning given in AS 14.48.210;
- (10) an officer or employee of an individual, firm, partnership, association, utility, corporation, limited liability company, or limited liability partnership, who practices engineering, architecture, land surveying, or landscape architecture involved in the operation of the employer's business only, and further provided that neither the employee nor the employer offers engineering, architecture, land surveying, or landscape architecture services to the public; exclusions under this paragraph do not apply to buildings or structures whose primary use is public occupancy;
- (11) a person while involved in revegetation, restoration, reclamation, rehabilitation, or erosion control for disturbed land that the board determines does not affect the public health, safety, or welfare;
- (12) a person while maintaining or directing the placement of plant material that the board determines does not affect the public health, safety, or welfare;
- (13) an employee, officer, or agent of a regulatory agency of the state or a municipality when reviewing drawings and specifications for compliance with the building codes of the state or a municipality if the drawings and specifications have been sealed and signed by an architect, engineer, land surveyor, or landscape architect or the preparation of the drawings and specifications is exempt under this section from the requirements of this chapter; in this paragraph, "building codes" includes codes relating to building, mechanical, plumbing, electrical, fire safety standards, and zoning;
- (14) a person who is designing fire detection or suppression systems and is authorized by the Department of Public Safety to design fire detection or suppression systems.

(b) The requirement to be registered as a landscape architect under this chapter only applies to a person who practices an aspect of landscape architecture that the board has determined affects the public health, safety, or welfare.

If they are doing the "practice of architecture" and aren't under an exemption they are



required to be a licensed architect.

If you have more questions, including about the exemptions, let me and Sara know.

Elizabeth Johnston, PE

On Mon, Mar 20, 2023 at 2:11 PM Dusten Voehl <[dvoehl@palmerak.org](mailto:dvoehl@palmerak.org)> wrote:

Good day Ms. Johnston,

I have a question regarding the ability of a Professional Civil Engineer to do structural plans.

When, if at all, can a CE sign off a set of structural plans?

Also, at what point is an architect required for a commercial project?

I understand my authority to request an architect to do the design, but I am unsure if there was an actual state statute for it.

If these questions are not in your wheel house, please let me know who I can contact.

*Cheers,*



**Dusten Voehl**

Building Inspector

**Phone:** 907-761-1329

**Mobile:** 907-982-6880



**Email:** [dvoehl@palmerak.org](mailto:dvoehl@palmerak.org)

**Office:**

645 E. Cope Industrial Way, Palmer, AK  
99645

**Helpful links:**

[Building Permit Application](#)

[Sign Permit Application](#)

[Bldg. Inspection List](#)

**From:** [Jeff Garness](#)  
**To:** [Board of AELS \(CED sponsored\)](#)  
**Subject:** RE: FW: Ethics question on signing for surveys  
**Date:** Thursday, March 16, 2023 5:27:31 PM

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Do you mind if I call the owner?.....jeff

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**From:** Board of AELS (CED sponsored) <[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)>  
**Sent:** Thursday, March 16, 2023 4:45 PM  
**To:** Neal, Sara J (CED) <[sara.neal@alaska.gov](mailto:sara.neal@alaska.gov)>  
**Subject:** RE: FW: Ethics question on signing for surveys

Hi Jeff-

Do you want to chime in on this?

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**From:** Jake Maxwell <[jmaxwellak@gmail.com](mailto:jmaxwellak@gmail.com)>  
**Sent:** Wednesday, March 15, 2023 3:03 PM  
**To:** Board of AELS (CED sponsored) <[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)>  
**Cc:** Bob Bell <[bbell@frbcmh.com](mailto:bbell@frbcmh.com)>  
**Subject:** Re: FW: Ethics question on signing for surveys

From the Guidance Manual;

### **Stamping by Professional Expertise**

Architects, engineers, land surveyors, and landscape architects, as design professionals, are responsible for performing design services within their area of expertise. Registered professionals may not perform design services outside their area of expertise or registration. **They shall not seal**

**work performed by others unless they were prepared under the registrants' direct supervision.**

Sealing plans for which a registrant does not have the expertise and registration is a violation of AS 08.48. Sealing or stamping work outside of expertise is NOT permitted! A registrant may not sign or seal Updated: 8.17.22 Page 23 of 29 a drawing or document dealing with professional services in which the registrant is not qualified to sign or seal by virtue of education, experience, and registration as specified in 12 AAC 36.185(a)(1). In addition, the preparation of and the sealing, signing and dating of plans, documents or calculations by an out of state individual who is not registered in the State of Alaska is a violation of AS 08.48.

My takeaway is that they would still be liable and the work would still need to be done under their direct supervision.

I know Jeff Garness has looked into this a lot, and he might have some thoughts as well.

Jake

On Wed, Mar 15, 2023 at 1:58 PM Board of AELS (CED sponsored) <[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)> wrote:

What are your thoughts on this?

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**From:** Robert Lumpkin <[Robert@farpointak.com](mailto:Robert@farpointak.com)>  
**Sent:** Wednesday, March 8, 2023 11:40 AM  
**To:** Board of AELS (CED sponsored) <[aelsboard@alaska.gov](mailto:aelsboard@alaska.gov)>  
**Subject:** Ethics question on signing for surveys

You don't often get email from [robert@farpointak.com](mailto:robert@farpointak.com). [Learn why this is important](#)

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Hello,

I have a question that I can not seem to find a direct answer for when scanning through the [aels statutes regs.pdf](#) or online searches.

I am the owner & Licensed Land Surveyor for Farpoint Land Services, we'd like to work with a scanning and imaging company to expand our work a bit.

It would mean I need to review some of their work and put my Land Surveying stamp on it.

Would there be any problems with this since we're not directly tied by company ownership or employee/employer type of setup?

I really would appreciate any thoughts on this or where I could read more about it. We just don't want to create problems in the future.

Thank you very much,

**Robert Lumpkin, PLS**

[robert@farpointak.com](mailto:robert@farpointak.com)

**Farpoint Land Services LLC**

1131 E 76<sup>th</sup> Ave, Suite 101, Anchorage, Alaska 99518

Main Office (907) 522-7770 Direct Line (907) 270-7887

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**From:** Elizabeth Johnston <[lise.johnston@gmail.com](mailto:lise.johnston@gmail.com)>  
**Sent:** Wednesday, April 19, 2023 4:09 PM  
**To:** Neal, Sara J (CED) <[sara.neal@alaska.gov](mailto:sara.neal@alaska.gov)>; Kase, Patrick F (CED) <[patrick.kase@alaska.gov](mailto:patrick.kase@alaska.gov)>  
**Subject:** new business: definition of office

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Sara,

We discussed years ago the definition of **office** and we discussed the definition of **face-to-face**, especially regarding the mentoring program. This was discussed by my notes before and during COVID but no change was made to remove references to "face-to-face" or "office".

In today's environment, there are remote employees, remotely supervised by people, some in formal offices outside their homes and some in home offices. 12 AAC 36.145 requires a registrant in every office, regularly in the office at least 20 hours a week. Does this preclude remote employees? Does this require a registrant to physically work at an office in order to meet the provisions of AAC 36.145?

I believe Patrick may have a case that deals with this topic so I have copied him in, but I propose the board discuss this on the record.

These are the two applicable sections.

**12 AAC 36.145. ARCHITECTURAL, ENGINEERING, OR SURVEYING OFFICES.** (a) Each office maintained for the preparation of drawings, specifications, reports, or other professional work that will require a professional seal must have a registrant assigned to, and regularly employed in, that office who has direct knowledge and supervisory control of the employees of that office.

(b) While a registrant is required, the office need not have a registrant in every discipline offered by that entity. A registrant in an office of the entity may be in responsible charge of the work done in another office for the discipline in which they are registered. To offer a service, at least one registrant licensed in that discipline must be regularly employed by the entity.

(c) For the purposes of this section,

(1) "regularly employed" means in the office at least 20 hours per week;

(2) "entity" means a sole practitioner, partnership, corporation, limited liability company, limited liability partnership, or governmental agency.

**Authority:** AS 08.48.101

AS 08.48.111

AS 08.48.221

(j) To meet the mentoring requirements of this section, an applicant must complete four years of quarterly **face-to-face** meetings with a professional engineer registered in the United States and registered in the same discipline that the applicant is applying for. An applicant shall

(1) prepare a report for each meeting on a form provided by the department, which includes

(A) a description of what topics were covered during the meeting;

(B) a statement indicating whether or not it was responsible charge work and if the work was performed according to industry standards;

(C) the professional engineer's seal and signature; and

(2) submit as a part of the final report a statement from the professional engineer, who served as the mentor, recommending the applicant for registration.

**Chapter 36. State Board of Registration for Architects,  
Engineers, and Land Surveyors.**

12 AAC 36.063(c)(1) is amended to read:

(1) two years of responsible charge experience or the equivalent experience gained through a [SUCCESSFUL COMPLETION OF A FOUR-YEAR RESPONSIBLE CHARGE] mentoring program, within the meaning given in 12 AAC 36.990(a) and this section; to [. TO] receive full credit for responsible charge experience, an applicant must gain responsible charge experience while under the responsible control of a professional engineer registered in the United States in the branch of engineering for which the applicant has applied; the [THE] board will determine the amount of credit given for responsible charge experience gained under the responsible control of a professional engineer registered in the United States in another branch of engineering based on the comparability with the branch of engineering to which the applicant has applied;

12 AAC 36.063(c)(2) is amended to read:

(2) [RESPONSIBLE CHARGE] experience gained under (i) of this section [OR SUCCESSFUL COMPLETION OF FOUR YEARS OF RESPONSIBLE CHARGE OBTAINED WITHIN A MENTORING SYSTEM] will be considered for credit only if it is gained after the applicant has completed education or work experience or both that are equivalent to the requirements to be eligible for the fundamentals of engineering examination.

Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

The introductory language of 12 AAC 36.063(j) is amended to read:

(j) To meet the mentoring requirements of this section, an applicant must complete [FOUR YEARS OF] quarterly face-to-face meetings or videoconferences with a professional engineer **who is** registered in the United States and registered in the same discipline that the applicant is applying for. **One quarter of responsible charge experience will be credited for every two quarters of a documented mentoring program.** An applicant shall

...

12 AAC 36.063(k) is repealed:

(k) Repealed \_\_\_\_ / \_\_\_\_ / \_\_\_\_ [TO BE ELIGIBLE FOR THE STRUCTURAL ENGINEERING EXAMINATION, AN APPLICANT MUST

(1) BE CURRENTLY REGISTERED AS A PROFESSIONAL ENGINEER IN THIS STATE; AND

(2) HAVE AT LEAST TWO YEARS OF PROGRESSIVE STRUCTURAL EXPERIENCE, IN ADDITION TO THE EIGHT YEARS OF EDUCATION AND WORK EXPERIENCE OR BOTH THAT ARE EQUIVALENT TO THE REQUIREMENTS SET OUT IN THE APPLICABLE TABLE OF EDUCATION AND WORK EXPERIENCE REQUIREMENTS FOR A PROFESSIONAL ENGINEERING EXAMINATION IN THIS SECTION.] (Eff. 9/30/78, Register 67; am 6/29/84, Register 90; am 8/13/87, Register 103; am 6/3/89, Register 110; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/20/99, Register 152; am 3/8/2001, Register 157; am 6/13/2003, Register 166; am 7/22/2004, Register 171; am 9/11/2004, Register 171; am 10/29/2009, Register 192; am

Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

9/9/2016, Register 219; am 5/25/2017, Register 222; am 5/5/2023, Register 246;

am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.067 is repealed and readopted to read:

**12 AAC 36.067. Date of experience.** An applicant for registration as an engineer by examination who meets the requirements of 12 AAC 36.063(c)(1), or an applicant for registration as a land surveyor by examination who meets the requirements of 12 AAC 36.065(b) may project up to three months of professional or subprofessional work within the meaning given in 12 AAC 36.990(a) from the time of application to the date of the examination. (Eff. 9/30/78, Register 67; am 11/13/99, Register 152; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.48.101 AS 08.48.171

12 AAC 36 is amended by adding a new section to read

**12 AAC 36.075. Eligibility for Structural Engineering Examination.** To be eligible for a structural engineering examination required in 12 AAC 36.100(c), an applicant must

- (a) submit a completed application on a form provided by the department;
- (b) be currently registered as a professional engineer in this state;
- (c) have at least two years of structural engineering work experience which shall:
  - (1) be gained after obtaining a professional engineering license in the state;
  - (2) demonstrate progressive experience, knowledge and project responsibilities relating to the design of structural systems;
  - (3) be obtained under the responsible charge of



Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

(A) a registered professional structural engineer; or

(B) a registered professional engineer practicing structural design to the standard of a professional structural engineer in a jurisdiction without separate licensure requirements for structural engineers;

(4) include practical design experience in one or more of the following areas:

(A) buildings or structures of at least 45 feet, or two stories, in height, located in a region of moderate or high seismic risk;

(B) seismic rehabilitation or retrofitting of an existing building or structure located in a region of moderate or high seismic risk; or

(C) structural design of any other structure of comparable structural complexity as set out in sub paragraphs (c)(4)(A) or (B) of this section;

(d) submit evidence to the board's satisfaction that the applicant's experience meets the requirements as set out in (c)(1)-(4) of this section. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.48.101      AS 08.48.171      AS 08.48.181

The introductory language of 12 AAC 36.100(d) is amended to read:

(d) **An** [UNLESS AN APPLICANT IS REGISTERED BY COMITY UNDER AS 08.48.191(c), AN] applicant for registration as a land surveyor must pass the professional land surveyor examination, that includes

...

12 AAC 36.100 is amended by adding a new paragraph to read:

(g) An applicant for registration as a structural engineer must pass the NCEES Principles and Practices of Engineering Structural examination unless applying for registration by comity

Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

under 12 AAC 36.108. (Eff. 5/23/74, Register 50; am 6/3/89, Register 110; am 10/20/90, Register 116; am 3/16/96, Register 137; am 11/13/99, Register 152; am 8/19/2006, Register 179; am 7/12/2008, Register 187; am 7/19/2009, Register 191; am 5/5/2023, Register 246; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.48.101 AS 08.48.181 AS 08.48.191  
AS 08.48.171

12 AAC 36.105(h) is repealed and readopted to read:

(h) An applicant who has passed the NCEES Structural Engineering I Examination, NCEES Structural Engineer II Examination, or the NCEES PE Structural Examination may be granted a civil engineering registration. Eff. 9/30/78, Register 67; am 8/13/87, Register 103; am 6/3/89, Register 110; am 10/20/90, Register 116; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/13/99, Register 152; am 3/9/2001, Register 157; am 6/11/2005, Register 174; am 7/25/2008, Register 187; am 7/19/2009, Register 191; am 5/25/2017, Register 222; am 3/28/2019, Register 229; am 5/5/2023, Register 246; am 5/5/2023, Register 246; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.48.101 AS 08.48.181 AS 08.48.191  
AS 08.48.171

12 AAC 36.107(a)(3) is amended to read.

(3) has passed the [STATE LAND SURVEYOR] examination identified in 12 AAC 36.100(d) [12 AAC 36.100(d)(2)].  
(Eff. 6/3/89, Register 110; am 10/20/90, Register 116; am 3/16/96, Register 137; am 5/5/2023,

Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

Register 246; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.48.101 AS 08.48.181 AS 08.48.191  
AS 08.48.171

12 AAC 36 is amended by adding a new section:

**Commented [OAS(1)]:** This needs a new section as it differs from the previous 12 AAC 36.108 in that this iteration is in respect of registration by comity only.

**12 AAC 36.104. Structural Engineer Registration by comity.** An applicant for registration as a structural engineer by comity must

(a) submit verification of current registration to practice structural engineering in a state, territory, or possession of the United States, the District of Columbia, or a foreign country that is based upon education, experience, and examination requirements that, in the opinion of the board, are at least equivalent to the requirements as set out in AS 08.48 and this chapter at the time the applicant's registration was issued in the other jurisdiction;

(b) have passed an NCEES Principles and Practices of Engineering Examination;

(c) have passed one of the following structural engineering exams:

(1) the NCEES PE Structural Examination;

(2) the NCEES Structural II and Washington or California Structural III exams passed prior to 2011;

(3) the NCEES Structural I and NCEES Structural II passed prior to 2006; or

(4) the Western States 16-hour Structural exam passed prior to 2004;

(d) meet the requirements for a Professional Engineering registration as set out in 12 AAC 36.063(a)(3) of this chapter plus an additional two years of experience working under the supervision of a registered professional engineer practicing structural engineering;

(e) submit evidence of work experience by way of:

Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

(1) a letter bearing the signature and seal of the engineer responsible for the supervision of the applicant; or

(2) two current letters of reference verifying that applicant has been practicing structural engineering as a registered professional engineer for at least five years prior to submitting an application under this section.

(f) evidence of work experience and letters of references submitted under (e)(1) and (2) must be provided by

(1) a registered professional structural engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country; or

(2) a registered professional engineer practicing structural design to the standard of a professional structural engineer in a jurisdiction without separate licensure requirements for structural engineers.

(g) An applicant for engineering registration by comity may submit a council record issued by NCEES to verify the applicant's qualifications, including

(1) the applicant's examination results;

(2) records of the applicant's education; and

(3) verification of the applicant's registration in another licensing jurisdiction.

(Eff. \_\_/\_\_/\_\_, Register)

**Authority:** AS 08.48.101 AS 08.48.201 AS 08.48.231

12 AAC 36.990(a)(17)(O) is repealed:

(O) repealed \_\_/\_\_/\_\_ [(O) STRUCTURAL ENGINEERING;]

Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

12 AAC 36.990(a)(42) is amended to read:

(42) "structural engineering" means the **practice of** [BRANCH OF PROFESSIONAL] engineering that embraces the studies and activities relating to the investigation, evaluation, analysis, design and construction of buildings, bridges, and other structures such as walls, columns, slabs, beams, trusses, or similar members requiring force-resisting and load bearing members and their connections, or similar members used singly or as a part of a larger structure, and the organizational and economic aspects of these studies and activities;

12 AAC 36.990(a)(47) is repealed

(47) repealed \_\_\_\_ / \_\_\_\_ / \_\_\_\_ [“PROGRESSIVE STRUCTURAL EXPERIENCE” MEANS THAT A CANDIDATE FOR STRUCTURAL LICENSURE PROGRESSES IN JOB KNOWLEDGE AND DUTIES INCLUDING THE DESIGN OF SIGNIFICANT STRUCTURES WHILE UNDER THE RESPONSIBLE CHARGE OF A REGISTERED STRUCTURAL ENGINEER;]

12 AAC 36.990(a) is amended by adding a new paragraph to read:

(46) "mentoring program" means a program in which a corresponding licensee reviews a mentee’s work on a regular basis to ensure that the work meets the standard of care of that discipline and confirms that the mentee is developing experience and responsible charge experience. (Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 6/29/84, Register 90; am 8/29/87, Register 103; am 10/20/90, Register 116; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/13/99, Register 152; am 3/9/2001, Register 157;

Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

am 1/26/2012, Register 201; am 3/11/2012, Register 201; am 10/4/2015, Register 216; am  
9/9/2016, Register 219; am 5/25/2017, Register 222; am 5/5/2023, Register 246; am  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.48.101 AS 08.48.181 AS 08.48.331  
AS 08.48.171 AS 08.48.191

**From:** [Strait, Sterling H.](#)  
**To:** [Neal, Sara J \(CED\)](#)  
**Subject:** Historical SE Exams  
**Date:** Monday, May 1, 2023 2:03:32 PM

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Last minute agenda request for upcoming meeting: Historical SE Exam discussion (or some better sounding title)

So the historical SE exams and dates provided in our just-updated regulations need to be revised. I must apologize for not vetting these during the reg process.

Now that I'm review applications I've discovered the following issues:

- Washington: during 2011, examinees had the option taking the 16-hr exam or the SE II + WA SE II exam
- Hawaii: Used the SE I + SE II exams up until 2011
- Oregon: Continued to use the Western States 16-hr exam through 1996
- Oregon: Used the SE I + SE II exams up until 2011

All of these cases are excluded in our new regulations leading to licensed SEs still unable to obtain comity in Alaska.

I propose correcting these deficiencies in the ongoing SE regulation update project.

-Sterling Strait  
*Alyeska Engineering*  
(907) 787-8731

Protected Document. Refer to Alyeska Data Access and Classification Policy, LEGAL-DPOL-001.

## Proposed Definitions of Responsible Charge

4/2023 – Jeff Garness	1/2023 – Loren Leman and Jeff Garness	10/2022 – Loren Leman
Responsible charge means the oversight of, performance of, technical review of, or supervision of professional services, performed by employees or subcontractors, by a licensed professional, as necessary to ensure that the services performed and/or completed project meets the standard-of-care for the profession and that reasonable care has been exercised to ensure the protection of public health, welfare, and safety	Direct supervision, direct supervisory control, personal supervision, responsible charge, responsible control, direct control, direct professional knowledge and similar terms have related meanings that depend somewhat on context. They mean the registrant who seals a document has directly participated, reviewed, observed, inspected, or managed the work sufficiently to attest to its accuracy, suitability, integrity, and conformance with professional standards normally practiced in Alaska, especially for health, safety, and welfare of the public, regardless of whether the work is personally done, or is aided by an employee, subcontractor, or independent contractor.	<b>Responsible charge in the field</b> (starting from AELS materials, revised by Loren Leman) Personally delivering or directing work in the field, the successful accomplishment of which primarily rests upon this person who often must decide many questions about project challenges, changed conditions, suitability of materials, execution of field services, and resolution of other issues with limited access to and dependence upon others. <b>Responsible charge</b> (starting from AELS materials, revised by Loren Leman) Personally delivering or directing work that often requires application of technical principles, resourcefulness, and originality. This work may include investigations, surveys, calculations, permit compliance, plans, drawings, designs, construction observation, and submittal reviews; specifications; documentation and directing drafting, word processing, and other support services; interacting with other team members; public involvement; and project management.



## Proposed Definition of Progressive Experience

4/2023 – Jeff Garness

**Progressive Experience** is the performance of professional level tasks, performed by a person working under the responsible charge of a licensed design professional, that results in a progressively increasing level of technical proficiency and competence. Such experience must prepare the person for a position of Responsible Charge as a licensed design professional. Progressive experience can be obtained in the office or field but must impart to the individual the skills necessary to work independently as a registered design professional and meet or exceed the generally accepted standard-of-care within their profession to protect public health, welfare, and safety.

**CHAPTER 36.**  
**STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS,**  
**AND LAND SURVEYORS**

**Article**

- 1. Registration and Licensing**  
(12 AAC 36.010 – 12 AAC 36.015)
- 36.195) 2. Code of Professional Conduct**  
(12 AAC 36.200 – 12 AAC 36.250)
- 3. Disciplinary Guidelines**  
(12 AAC 36.300 – 12 AAC 36.330)
- 4. Continuing Education for Professional Land Surveyors**  
(12 AAC 36.400 – 12 AAC 36.450)
- 5. Continuing Education for Professional Architects, Engineers, Land Surveyors, and Landscape Architects**  
(12 AAC 36.500 – 12 AAC 36.550)
- 6. General Provisions**  
(12 AAC 36.900 – 12 AAC 36.990)

**ARTICLE 1.**  
**REGISTRATION AND LICENSING.**

**Section**

- 10. Applications**
- 20. (Repealed)**
- 30. (Repealed)**
- 40. Simplified application for reexamination**
- 50. Application deadlines**
- 55. (Repealed)**
- 60. Eligibility for architect examination and registration**
- 61. Architect education requirements**
- 62. (Repealed)**
- 63. Engineering education and work experience requirements**
- 64. (Repealed)**
- 65. Eligibility for professional land surveyor examination**
- 66. Verification of land surveyor work experience**
- 67. Date of experience**
- 68. Eligibility for landscape architect registration by examination**
- 69. Standards for registration as a landscape architect**
- 70. Postponements**
- 80. Authorization to take examination**
- 90. Waiver of fundamentals of engineering examination**
- 100. Content of examinations**
- 103. Architect registration by comity**
- 105. Engineer registration by comity**
- 106. Registration in additional branches of engineering**
- 107. Land surveyor registration by comity**
- 108. Application for registration as a structural engineer**
- 109. Landscape architect registration by comity**
- 110. Arctic requirement**
- 111. (Repeal)**
- 112. Temporary military courtesy certificate of registration**
- 115. Retired status registration**
- 120. (Repealed)**

- 130. (Repealed)
- 135. Review of application for corporate authorization
- 140. (Repealed)
- 145. Architectural, engineering, or surveying offices
- 150. (Repealed)
- 160. Duplicate certificate
- 165. Expired certificates
- 170. Fees
- 180. Seal
- 185. Use of seals
- 190. Testing laboratory reports
- 195. Site adaptation and field alterations of sealed documents

**12 AAC 36.010. APPLICATIONS.** (a) An application for examination or for registration by comity must be typewritten and filed with the board on a form prescribed by the board, accompanied by the application fee established in 12 AAC 02.110.

(b) An applicant will not be admitted to an examination or approved for registration until the applicant's qualifications are accepted by the board.

(c) Except as provided in 12 AAC 36.060(a), the board will approve an application for examination or for registration by comity if

- (1) the application form is complete;
- (2) the applicable fees have been paid; and
- (3) all supporting documents have been received by the board verifying that the applicant meets the registration requirements in AS 08.48 and this chapter.

(d) Except as provided in 12 AAC 36.060(a), the board will give conditional approval of an application for examination or for registration by comity pending receipt of missing documents, payment of applicable fees for examination or registration, or other corrections to the application if the

- (1) application form is substantially complete and includes the applicant's notarized signature;
- (2) application fee has been paid;
- (3) board has determined that the applicant's qualifications as listed on the application form show that the applicant meets the registration requirements in AS 08.48 and this chapter;
- (4) board has received all supporting documents required for board review of the application, as defined in (i) of this section; and
- (5) board has determined that any missing supporting documents and the correction of other deficiencies in the application do not require board discretion to review and approve.

(e) If the board gives conditional approval of an application, the board also will write a statement of conditional approval. The statement will identify the missing supporting documents or other corrections required to complete the application. Department staff shall change the conditional approval to "approval" when the missing documents and other corrections are received if the documents and corrections clearly show the information required by the board in its statement of conditional approval. If the missing supporting documents or corrections received required interpretation or discretion, department staff shall resubmit the application to the board for approval.

(f) Except as provided in 12 AAC 36.060(a), the board will determine that an application is incomplete, and will notify the applicant, if the

(1) board is not able to determine from the application form and supporting documents whether the applicant meets the registration requirements in AS 08.48 and this chapter; or

(2) application form does not show that the applicant meets the registration requirements in AS 08.48 and this chapter but the board determines that the applicant will likely meet the qualifications within one year.

(g) For an application determined to be incomplete under (f) of this section, department staff shall

(1) resubmit the application to the board for review if the applicant submits to the department additional application information; and

(2) maintain an incomplete application file for the application until it either is approved or denied by the board or is considered abandoned under 12 AAC 02.910.

(h) Except as provided in 12 AAC 36.060(a), the board will deny an application for examination or for registration by comity if the application does not meet the requirements in this section for approval, conditional approval, or a determination of incomplete application.

(i) In this section, "all supporting documents required for board review" means documentation of the applicant's education, work experience, and **responsible charge experience**, as required by AS 08.48 and this chapter except for

- (1) official transcripts of the applicant's education if the applicant has

(A) an ABET accredited B.S. degree in the major branch of engineering for which the applicant is applying for registration;

(B) a B.S. degree in an ABET accredited curriculum in land surveying if the applicant is applying for registration as a land surveyor; or

(C) a LAAB accredited professional degree in landscape architecture if the applicant is applying for registration as a landscape architect;

(2) verification of a license or examination in another licensing jurisdiction;

(3) verification of successful completion of coursework as required by 12 AAC 36.110.

<b>Authority:</b>	AS 08.01.050	AS 08.48.171	AS 08.48.201
	AS 08.48.101	AS 08.48.191	

**12 AAC 36.020. ABANDONED APPLICATIONS.** Repealed 10/20/90.

**12 AAC 36.030. REFUND WHEN APPLICATION WITHDRAWN.** Repealed 6/3/89.

**12 AAC 36.040. SIMPLIFIED APPLICATION FOR REEXAMINATION.** (a) Except as provided in (c) of this section, an applicant who has failed an examination may apply for reexamination by written notice to the board, accompanied by the required examination fee, if applicable, stating that the applicant wishes to take the next examination to be offered for the profession for which the applicant has applied. The board will approve an applicant for the next applicable examination, as follows:

(1) NCEES Principles and Practices of Engineering Examination and the NCEES Principles and Practices of Surveying Examination, as follows:

(A) for the spring April examination, the filing deadline for the written notice to the board for reexamination is five days before the examination registration deadline set by NCEES;

(B) for the fall October examination, the filing deadline for the written notice to the board for reexamination is five days before the examination registration deadline set by NCEES;

(2) Alaska Land Surveying Examination (AKLS) to be held at least 45 days after receipt of the applicant's written notice;

(3) repealed 5/4/2013.

(b) Repealed 5/4/2013.

(c) An applicant may apply for reexamination under (a) of this section no more than four times within the five years after the date that the board approved the applicant's original application for examination. An applicant shall apply under 12 AAC 36.010 if the applicant has not passed the examination after five attempts or within five years after the date that the board approved the applicant's original application for examination, whichever comes first. This subsection does not apply to an applicant for reexamination for the Alaska Land Surveying (AKLS) examination.

<b>Authority:</b>	AS 08.48.091	AS 08.48.101	AS 08.48.171
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**12 AAC 36.050. APPLICATION DEADLINES.** (a) Except as provided in (e) and (f) of this section and in 12 AAC 36.040, before the board will review an application for examination, and at least 30 days before the meeting of the board that is immediately before the examination date, the department must receive the applicant's

(1) completed application form;

(2) application fee established in 12 AAC 02.110;

(3) all supporting documents required for board review of the application, as defined in 12 AAC 36.010(i).

(b) If the board has given conditional approval of an application for examination under 12 AAC 36.010(d), department staff may not schedule the applicant for the examination unless

(1) the department receives all missing supporting documents and other required application corrections identified by the board at least five days before the deadline for examination registration set by NCEES; and

(2) neither the documents nor the corrections must be resubmitted to the board under 12 AAC 36.010(e) because they require interpretation or discretion.

(c) To be reviewed by the board, an application for registration by comity, and all supporting documents required for board review of the application, as defined in 12 AAC 36.010(i), must be received by the department at least 30 days before the meeting of the board.

(d) If an application deadline in (a) - (c) of this section would fall upon a Saturday, Sunday, or holiday, the deadline is extended to the next business day.

(e) An application, a supporting document, or a correction is considered filed with the department on the date of receipt by the department in the Juneau office. The board will, in its discretion, accept a supporting document or a correction after the deadline set in this section upon showing of good cause.

(f) An application for registration upon examination as a professional landscape architect must be received by the department in the Juneau office at least 30 days before the quarterly meetings of the board held in February and August, respectively, in order to review the applicant's qualifications before the Landscape Architectural Registration Examination (LARE) dates in June and December.

**Authority:** AS 08.48.101 AS 08.48.181

**12 AAC 36.055. ARCHITECT REGISTRATION BY EXAMINATION.** Repealed 10/29/2009.

**12 AAC 36.060. ELIGIBILITY FOR ARCHITECT EXAMINATION AND REGISTRATION.** (a) To be eligible for the architect registration examination required in 12 AAC 36.100(b), an applicant must submit

(1) an application showing that the applicant meets the education requirements specified in 12 AAC 36.061; and

(2) an NCARB Record.

(b) To be eligible for registration by examination as an architect in this state, an applicant must

(1) submit an application in compliance with 12 AAC 36.010;

(2) meet the education requirements specified in 12 AAC 36.061;

(3) complete the NCARB Architectural Experience Program (AXP);

(4) satisfy the arctic requirements of 12 AAC 36.110; and

(5) successfully pass the examinations required in 12 AAC 36.060 and 12 AAC 36.100.

**Authority:** AS 08.48.101 AS 08.48.171 AS 08.48.181

**12 AAC 36.061. ARCHITECT EDUCATION REQUIREMENTS.** (a) To be eligible for registration as an architect in this state, an applicant must

(1) have a professional degree in architecture from an academic institution accredited by the National Architectural Accrediting Board (NAAB) or certified by the Canadian Architectural Certification Board (CACB) not later than two years after the degree was received; only a bachelor of architecture or a master of architecture satisfies the requirements for a professional degree under this paragraph; four-year pre-professional degrees in architectural studies or post-professional degrees in a related field do not satisfy the requirements for a professional degree under this paragraph; or

(2) satisfy the minimum education requirements of the NCARB Education Guidelines as prescribed in the NCARB publication *NCARB Education Guidelines, May 2017* and adopted by reference.

(b) To verify compliance with (a) of this section, the board will only accept documentation from NCARB of the applicant's education credentials, and the applicant must have NCARB transmit its verification to the board by

(1) an NCARB "Council Record With Application for Jurisdiction Registration With Council

Certification," if the applicant is applying for registration by examination; or

(2) an NCARB Council Certificate, if the applicant is applying for registration by comity.

**Authority:** AS 08.48.101 AS 08.48.171

**Editor's note:** The NCARB publication *NCARB Education Guidelines*, adopted by reference in 12 AAC 36.061(a)(2), may be obtained from NCARB at (202) 879-0520, by writing to the National Council of Architectural Registration Boards, 1801 K Street, N.W., Suite 700K, Washington, D.C. 20006, or by requesting one online at <http://www.ncarb.org>.

**12 AAC 36.062. ELIGIBILITY FOR FUNDAMENTALS OF ENGINEERING EXAMINATION.** Repealed 5/25/2017.

**12 AAC 36.063. ENGINEERING EDUCATION AND WORK EXPERIENCE REQUIREMENTS.** (a) To be eligible for a professional engineering examination other than the structural engineering examination, an applicant must

(1) have passed the fundamentals of engineering examination or had these requirements waived under 12 AAC 36.090(a);

(2) apply for examination in a branch of engineering recognized by 12 AAC 36.990(17); and

(3) submit to the board satisfactory evidence that the applicant's education or work experience or both are equivalent to the requirements set out in the following applicable table of education and work experience requirements for a professional engineering examination:

(A) for board approval of an application made on or before June 30, 2010, an applicant's education and experience must meet the requirements of Table A of this section, as follows:

**TABLE A OF EDUCATION AND WORK EXPERIENCE  
REQUIREMENTS FOR PROFESSIONAL ENGINEERING EXAMINATION**

<b>Description of Training</b>	<b>Equivalent Education in Years</b>	<b>Minimum Work Experience in Years</b>	<b>Total Years of Education and Work Experience</b>
ABET accredited B.S. degree in engineering in the branch of engineering applied for listed in 12 AAC 36.990(17), and a master's or doctorate in engineering acceptable to the board	5	3	8
ABET accredited B.S. degree in engineering that is not in the branch of engineering applied for listed in 12 AAC 36.990(17), and a master's or doctorate in the branch of engineering applied for listed in 12 AAC 36.990(17) that is acceptable to the board	4	4	8
ABET accredited B.S. degree in engineering in the branch of engineering applied for listed in 12 AAC 36.990(17)	4	4	8
ABET accredited B.S. degree in engineering technology	3	5	8
ABET accredited B.S. degree in a branch of engineering that is not the branch for which the applicant has applied	3	5	8
Master's degree in engineering acceptable to the board in the branch listed in 12 AAC 36.990(17) for which the applicant has applied or in a discipline substantially similar to the branch for which the applicant has applied	2	6	8
Doctorate degree in engineering acceptable to the board in the branch listed in 12 AAC 36.990(17) for which the applicant has applied or in a discipline substantially similar to the branch for which the applicant has applied	3	5	8

Master's or doctorate degree in engineering acceptable to the board from a school which has an ABET accredited undergraduate engineering program in the branch for which the applicant has applied	3	5	8
Non-ABET accredited B.S. degree in engineering in the branch applied for	3	6	9
Course work in ABET accredited engineering degree curriculum – no degree (course work must include a minimum of three years of credit hours in an engineering curriculum)	2	8	10

(B) for board approval of an application made on or after July 1, 2010, an applicant's education and experience must meet the requirements of Table B of this section, as follows:

**TABLE B OF EDUCATION AND WORK EXPERIENCE  
REQUIREMENTS FOR PROFESSIONAL ENGINEERING EXAMINATION**

<b>Description of Training</b>	<b>Equivalent Education in Years</b>	<b>Minimum Work Experience in Years</b>	<b>Total Years of Education and Work Experience</b>
ABET accredited B.S. degree in engineering in the branch of engineering applied for listed in 12 AAC 36.990(17), and a master's or doctorate in engineering acceptable to the board	5	3	8
ABET accredited B.S. degree in engineering that is not in the branch of engineering applied for listed in 12 AAC 36.990(17), and a master's or doctorate in the branch of engineering applied for listed in 12 AAC 36.990(17) that is acceptable to the board	4	4	8
ABET accredited B.S. degree in engineering in the branch of engineering applied for listed in 12 AAC 36.990(17)	4	4	8
ABET accredited B.S. degree in engineering technology in the branch of engineering applied for listed in 12 AAC 36.990(17)	3	5	8
ABET accredited B.S. degree in a branch of engineering that is not the branch for which the applicant has applied	3	5	8

Master's degree in engineering acceptable to the board in the branch listed in 12 AAC 36.990(17) for which the applicant has applied or in a discipline substantially similar to the branch for which the applicant has applied	2	6	8
Doctorate degree in engineering acceptable to the board in the branch listed in 12 AAC 36.990(17) for which the applicant has applied or in a discipline substantially similar to the branch for which the applicant has applied	3	5	8
Master's or doctorate degree in engineering acceptable to the board from a school which has an ABET accredited undergraduate engineering program in the branch for which the applicant has applied	3	5	8
Non-ABET accredited B.S. degree in engineering in the branch applied for	3	6	9

(b) Education for initial registration must be in the branch of engineering in which the applicant seeks registration for full credit to be given. If the education is not in the branch of engineering in which the applicant seeks registration, the board will determine the amount of credit to be given based on comparability with the branch of engineering for which the applicant has applied for registration. An applicant with a foreign degree shall submit

- (1) a transcript of the applicant's education and if the transcript is not in English, submit a translation into English and a signed and notarized affidavit by the translator of the accuracy of the translation; and
- (2) an evaluation of the applicant's education from an agency approved by the board unless the applicant's education has been earned at a school accredited by an accreditation agency recognized by the board.

(c) The minimum work experience required for registration must include

- (1) two years of ~~progressive~~ responsible charge experience or successful completion of a four-year responsible charge mentoring system, as defined in 12 AAC 36.990 and this section. To receive full credit for responsible charge experience, an applicant must gain ~~progressive~~ responsible charge experience while under the responsible ~~control~~ charge of a professional engineer registered in the United States in the branch of engineering for which the applicant has applied. The board will determine the amount of credit given for progressive responsible charge experience gained under the responsible control of a professional engineer registered in the United States in another branch of engineering based on the comparability with the branch of engineering to which the applicant has applied;

- (2) ~~responsible charge~~ progressive experience or successful completion of four years of ~~progressive experience~~ responsible charge obtained within a mentoring system will be considered for credit only if it is gained after the applicant has completed education or work experience or both that are equivalent to the requirements to be eligible for the fundamentals of engineering examination.

(d) For registration in more than one branch of professional engineering listed in 12 AAC 36.990, professional work experience used to qualify for registration in one branch of engineering will be evaluated by the board in considering an application for registration in another branch of engineering. Except as provided in (c) of this section, ~~progressive responsible charge experience~~ or mentored experience must be entirely in the branch of engineering applied for and may not be counted as ~~responsible charge~~ progressive experience in another branch of engineering or in land surveying.

(e) Education and work experience may not be accumulated concurrently. A maximum of 12 months' credit may be claimed for a calendar year.

(f) The board will accept a maximum of two years of credit for professional work experience used in securing registration in land surveying as experience in securing registration in civil or mining engineering.



(g) Work experience for initial registration must be in the branch of engineering in which the applicant seeks registration for full credit to be given. If the work experience is not in the branch of engineering in which the applicant seeks registration, the board will determine the amount of credit to be given based on comparability with the branch of engineering for which the applicant has applied for registration.

(h) The board will accept up to a maximum of two years of subprofessional work experience for up to one half of the work experience required for registration based on its meeting the definition of "subprofessional work" in 12 AAC 36.990.

(i) Notwithstanding (a) - (h) of this section, an applicant authorized by the board to take the examination before 11/20/99 may continue to qualify for the examination under 12 AAC 36.040.

(j) To meet the mentoring requirements of this section, an applicant must complete four years of quarterly faceto face meetings with a professional engineer registered in the United States and registered in the same discipline that the applicant is applying for. An applicant shall

(1) prepare a report for each meeting on a form provided by the department, which includes

(A) a description of what topics were covered during the meeting;

(B) a statement indicating whether or not ~~the work was responsible charge work~~ meets the definition of progressive experience and if the work was performed according to industry standards;

(C) the professional engineer's seal and signature; and

(2) submit as a part of the final report a statement from the professional engineer, who served as the mentor, recommending the applicant for registration.

(k) To be eligible for the structural engineering examination, an applicant must

(1) be currently registered as a professional engineer in this state; and

(2) have at least two years of progressive structural experience, in addition to the eight years of education and work experience or both that are equivalent to the requirements set out in the applicable table of education and work experience requirements for a professional engineering examination in this section.

**Authority:** AS 08.48.101

AS 08.48.171

AS 08.48.181

**12 AAC 36.064. ELIGIBILITY FOR FUNDAMENTALS OF LAND SURVEYING EXAMINATION.**  
Repealed 5/25/2017.

**12 AAC 36.065. ELIGIBILITY FOR PROFESSIONAL LAND SURVEYOR EXAMINATION.** (a) To be eligible for the professional land surveyor examination, an applicant must

(1) have passed the fundamentals of land surveying examination; and

(2) submit to the board satisfactory evidence that the applicant's education or work experience or both are equivalent to the requirements set out in the following applicable table of education and work experience requirements for professional land surveyors; the board will evaluate the applicant's education and work experience that meet the requirements of AS 08.48 and this chapter and give credit as appropriate:

(A) for board approval of an application made on or before June 30, 2014, an applicant's education and

experience must meet the requirements of Table A of this section, as follows:

**TABLE A OF EDUCATION AND WORK EXPERIENCE  
REQUIREMENTS FOR PROFESSIONAL LAND SURVEYORS**

Classification	Education Credit Allowed In Years	Work Experience Credit Allowed In Years	<b>Progressive ExperienceResponsible Charge</b>	
			Under P.L.S. In a Land Surveying Capacity In Years	Total Years of Education and Work Experience Required

Graduate of an ABET accredited or board approved curriculum with a B.S. degree in land surveying and a master's or doctorate degree in land surveying	5	3	3	8
Graduate of an ABET accredited or board approved land surveying curriculum 4-year course	4	4	3	8
Graduate of an ABET accredited or board approved land surveying curriculum 2-year course	2	6	3	8
Course work in board approved curriculum in land surveying – no degree (Minimum of two years credit hours)	2 - 3	5 - 6	3	8

(B) for board approval of an application made on or after July 1, 2014, an applicant's education and experience must meet the requirements of Table B of this section, as follows:

**TABLE B OF EDUCATION AND WORK EXPERIENCE  
REQUIREMENTS FOR PROFESSIONAL LAND SURVEYORS**

Classification	Education	Work Experience Allowed In Years	In a Land Credit Allowed In Years	Progressive Experience	Responsible Charge
				Under R.L.S. Education and Surveying Capacity In Years	Total Years of Credit Work Experience Required
Graduate of an ABET accredited or board approved curriculum with a B.S. degree in land surveying and a master's or doctorate degree in land surveying		5	3	3	8
Graduate of an ABET accredited land surveying curriculum 4-year course		4	4	3	8
Graduate of a board approved land surveying curriculum 4-year course		4	4	3	8
Graduate of 4-year land surveying education standard under (h) of this section	2	6	3	8	degree with board approved courses meeting

(b) “~~Responsible charge Progressive experience associated with~~ of professional land surveying (P.L.S.)” means ~~profession~~ work ~~experience gained as a supervisor~~ under the responsible control of a land surveyor registered in the United States, and working in the “practice of land surveying” as described in AS 08.48.341. The remainder of the required work experience listed in (a) of this section must be derived from office or field work involving the activities listed in AS 08.48.341. Partial completion of a curriculum leading to a degree in land surveying will be considered by the board in determining applicable work experience. The board will determine the amount of credit given for ~~responsible charge progressive~~ experience gained under the responsible control of a professional in engineering based on applicability to professional land surveying.

(c) The board will accept up to a maximum of two years of credit for professional work experience used in securing registration in civil or mining engineering as experience in securing registration in land surveying based on its applicability to professional land surveying.

(d) The board will accept up to a maximum of two years of subprofessional work experience for up to one half of the work experience required for registration based on its applicability to professional land surveying.

(e) An applicant with a foreign degree shall submit

(1) a transcript of the applicant’s education and if the transcript is not in English, submit a translation into English and a signed and notarized affidavit by the translator of the accuracy of translation; and

(2) an evaluation of the applicant’s education from an agency approved by the board unless the applicant’s education has been earned at a school accredited by an accreditation agency recognized by the board.

(f) Education and work experience may not be accumulated concurrently. A maximum of 12 months’ credit may be claimed for a calendar year.

(g) Repealed 10/29/2009.

(h) For the purpose of a four-year degree program with board approved courses under (a)(2)(B) of this section, course work must meet the following land surveying education standard:

(1) at least 12 semester credits or the equivalent must be in mathematics and basic college level science courses, which must include calculus, physics, and statistics;

(2) at least 30 semester credits or the equivalent must be in geomatics and land surveying science and design courses, which must include practical field surveying, course in rectangular survey system, and of which at least six semester credits or the equivalent must be in boundary law courses; the geomatics and land surveying course work must include the study of geographic information system (GIS), global navigation satellite systems (GNSS), error analysis and adjustment, geodesy, and map projections.

**Authority:** AS 08.48.101 AS 08.48.171 AS 08.48.181

**12 AAC 36.066. VERIFICATION OF LAND SURVEYOR WORK EXPERIENCE.** (a) In support of an application for examination or registration as a land surveyor, an applicant shall arrange for verification of the work experience required for eligibility for the fundamentals of land surveying examination and required in 12 AAC 36.065 to be submitted to the board. Verification of work experience must be on a form prescribed by the board and must be completed and submitted directly to the board by the employer who is verifying the applicant’s experience.

(b) Department staff shall open a file for retention of completed work verification forms for an individual who has not yet submitted an application for examination or registration as a land surveyor if the individual (1) submits a written request to open a work verification file; and

(2) attaches the file opening fee established in 12 AAC 02.110.

(c) Department staff shall maintain a work verification file for five years from the date that an individual completes the requirements of (b) of this section. Before the end of that five years, an individual may request that the department maintain a work verification file for an additional five years by again completing the requirements of (b) of this section.

(d) A work verification form received for an individual will be reviewed by the board or the department only after that individual submits an application for registration as a land surveyor.

**Authority:** AS 08.48.101 AS 08.48.171 AS 08.48.201

**Editor's note:** The address to send the materials required in (b)(1) and (2) of this section is Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Registration for Architects, Engineers, and Land Surveyors, P.O. Box 110806, Juneau, AK 99811-0806.

**12 AAC 36.067. DATE OF EXPERIENCE.** Computation of qualifying experience for admission to the examination as an architect, engineer, land surveyor, or landscape architect is up to the date of the examination.

**Authority:** AS 08.48.101 AS 08.48.171

**12 AAC 36.068. ELIGIBILITY FOR LANDSCAPE ARCHITECT REGISTRATION BY EXAMINATION.** (a) To be eligible for the professional landscape architect examination, an applicant must submit

- (1) a complete application on a form provided by the department; and
- (2) except as provided in (c) and (i) of this section, satisfactory evidence that the applicant's education or work experience are equivalent to the requirements set out in the following table of education and work experience for professional landscape architect:

**TABLE OF EDUCATION AND WORK EXPERIENCE REQUIREMENTS  
FOR PROFESSIONAL LANDSCAPE ARCHITECT**

<b>Classification</b>	<b>Education Credit Allowed In Years</b>	<b>Work Experience Credit Allowed In Years</b>	<b>Total Years of Education and Work Experience</b>
LAAB accredited professional degree in landscape architecture and a master's or doctorate degree in landscape architecture	5 - 6	2 - 3	8
LAAB accredited professional degree in landscape architecture	4 - 5	3 - 4	8
Non-LAAB accredited professional degree in landscape architecture and a master's or doctorate degree in landscape architecture	4	4	8
Non-LAAB accredited professional degree in landscape architecture	3	5	8
Non-LAAB accredited B.S./B.A. degree in landscape architecture	1 - 3	8 - 10	10
Course work in LAAB accredited landscape architecture curriculum – no degree	1 - 3	7 - 10	10
Course work in non-LAAB accredited landscape architecture program – no degree (Minimum of one year credit hours)	1	11 - 12	12

(b) Education for initial examination must be in the field of landscape architecture for full credit to be given. If the education is not in the field of landscape architecture, the board will determine the amount of credit to be given based on course work comparability with the field of landscape architecture as required by Landscape Architectural Accreditation Board (LAAB) for accredited programs. An applicant with a foreign degree shall submit

- (1) a transcript of the applicant's education and if the transcript is not in English, submit a translation into English and a signed and notarized affidavit by the translator of the accuracy of the translation; and

- (2) an evaluation of the applicant's education from an agency approved by the board unless the applicant's education has been earned at a school accredited by an accreditation agency recognized by the board.

(c) To receive full credit for work experience, an applicant must

- (1) gain experience while under the responsible control of a professional landscape architect registered in the United States, or

- (2) successfully complete a mentoring program that meets the requirements of (f) – (h) of this section.
- (d) Education and work experience may not be accumulated concurrently. A maximum of 12 months' credit may be claimed for a calendar year.
- (e) Work experience for initial examination must be in the field of landscape architecture for full credit to be given. If the work experience is not in the field of landscape architecture, the board will determine the amount of the credit to be given based on comparability within the field of landscape architecture practice.
- (f) To meet the mentoring requirements of this section, an applicant
- (1) who holds a 5-year LAAB accredited professional degree in landscape architecture must complete three years of quarterly face-to-face meetings with a professional landscape architect registered in the United States;
  - (2) who holds a 4-year LAAB accredited professional degree in landscape architecture must complete four years of quarterly face-to-face meetings with a professional landscape architect registered in the United States.
- (g) On a form provided by the department, an applicant shall submit a report for each meeting under (f) of this section, including
- (1) a description of the applicant's work experience reviewed during the meeting;
  - (2) a statement indicating whether or not the work experience reviewed was directly applicable to professional landscape architectural work and whether the work was performed according to industry standards; and
  - (3) the signature and seal of the professional landscape architect who served as the applicant's mentor.
- (h) An applicant who completes a mentoring program under (f) of this section must submit a final report that includes a statement from the professional landscape architect who served as the mentor recommending the applicant for registration under AS 08.48 and this chapter.
- (i) Upon submission of evidence of graduation from an LAAB accredited curriculum in landscape architecture, an applicant for examination as a landscape architect may sit for sections 1 and 2 of the examination as early as can be scheduled after graduation. Authorization to sit for the remaining portions of the examination will not be granted until satisfactory evidence that the applicant's education and work experience requirements set out in the table of education and work experience for professional landscape architect in (a)(2) of this section have all been satisfied.

**Authority:** AS 08.48.101 AS 08.48.171 AS 08.48.181

**12 AAC 36.069. STANDARDS FOR REGISTRATION AS A LANDSCAPE ARCHITECT.** In accordance with AS 08.48.331(b), and except as exempted in AS 08.48.331(a), design or creative work involving any of the following constitutes the practice of an aspect of landscape architecture that affects the public health or safety and thus requires registration as a landscape architect:

- (1) grading, clearing, or shaping of land;
- (2) landscape irrigation;
- (3) outdoor planting plans; (4) outdoor play apparatus;
- (5) outdoor structures.

**Authority:** AS 08.48.101 AS 08.48.181 AS 08.48.331  
AS 08.48.171 AS 08.48.191

**12 AAC 36.070. POSTPONEMENTS.** The board will grant up to two postponements to an applicant who is scheduled to take the Alaska Land Surveying Examination (AKLS) or Landscape Architect Registration Examination (LARE) if the applicant's request for postponement is filed with the board not later than 30 days immediately following the date of the examination. An applicant who does not appear for an examination and does not qualify for a postponement is not eligible for a refund of the examination fee and shall meet the reexamination application requirements in 12 AAC 36.040 to be scheduled for a later examination.

**Authority:** AS 08.48.101

**12 AAC 36.080. AUTHORIZATION TO TAKE EXAMINATION.** Notification of the applicant's authorization to take the examination will be made at least 30 days before the examination.

**Authority:** AS 08.48.101

**12 AAC 36.090. WAIVER OF FUNDAMENTALS OF ENGINEERING EXAMINATION.** (a) An applicant for registration as a professional engineer by examination or comity who has not passed the fundamentals of engineering examination need not take that examination if satisfactory evidence, as verified by registered engineers, is submitted to the board documenting that applicant has at least 20 years of professional engineering experience.

(c) An applicant for registration as a professional engineer by examination or comity who is currently registered as a professional engineer in a province or territory of Canada is not required to demonstrate having passed the fundamentals of engineering examination.

**Authority:** AS 08.48.101 AS 08.48.181 AS 08.48.191  
AS 08.48.171

**12 AAC 36.100. CONTENT OF EXAMINATIONS.** (a) An applicant for registration must pass the appropriate examinations designated in this section.

(b) Unless an applicant is registered by comity under AS 08.48.191(a), an applicant for architect registration must pass the NCARB Architect Registration Examination (ARE).

(c) An applicant for registration as an engineer must pass the NCEES Principles and Practices of Engineering Examination for the branch of engineering for which the applicant has applied. This subsection applies to an applicant for registration by examination and to an applicant for registration by comity.

(d) Unless an applicant is registered by comity under AS 08.48.191(c), an applicant for registration as a land surveyor must pass the professional land surveyor examination, that includes (1) the NCEES Principles and Practices of Surveying; and

(2) repealed 3/16/96;

(3) a state examination covering laws, procedures, and practices concerning land surveying in Alaska.

(e) Unless an applicant is registered by comity under AS 08.48.191(d), an applicant for registration as a landscape architect must pass the CLARB Landscape Architectural Registration Examination (LARE). The administration and grading of the examination must have been conducted in accordance with CLARB's standards in effect at the time of examination. In place of passing the CLARB registration examination, a candidate for registration must satisfy one of the following:

(1) successful completion before 1970 of a written examination in landscape architecture prepared by a CLARB member and ten years of experience in landscape architecture after licensure;

(2) successful completion between January 1, 1970 and December 31, 1975 of a written examination prepared by a CLARB member;

(3) successful completion of the British Columbia Society of Landscape Architects' written examination, five years of experience in landscape architecture after licensure and satisfaction of the education and experience requirements;

(4) successful completion of the California P.E.L.A., satisfaction of the licensure, education, and experience requirements, as well as successful completion of LARE, sections D and E, or the CLARB Reciprocity Validation Examination;

(5) for an applicant initially licensed in British Columbia or Ontario without successfully completing the LARE, satisfaction of the following:

(A) ten years of experience in landscape architecture, at least seven years of which must occur after licensure;

(B) successful completion of the CLARB Reciprocity Validation Examination.

(f) In addition to meeting the applicable requirements of this section, an applicant for registration by examination, except an applicant for registration as a land surveyor, must pass the state written jurisprudence examination covering the applicable provisions of AS 08.48 and this chapter. The applicant must obtain a passing score of at least 90 percent on the examination. The examination is an open-book examination. The department will mail the examination and study materials to the applicant. Within 30 days after mailing, the applicant must return the completed examination to the department. If the applicant returns the completed examination by mail, the department will consider the postmark date to be the return date.

**Authority:** AS 08.48.101 AS 08.48.181 AS 08.48.191  
AS 08.48.171

**12 AAC 36.103. ARCHITECT REGISTRATION BY COMITY.** (a) Under AS 08.48.191(a), the board may issue a certificate of registration as an architect to an applicant who

(1) documents education and passage of the NCARB Architect Registration Examination;

(2) documents work experience that satisfies the requirements of this section;

- (3) has completed the arctic engineering requirements of 12 AAC 36.110; and
  - (4) has completed a jurisprudence questionnaire prepared by the board covering the provisions of AS 08.48 and this chapter.
- (b) An applicant for a certificate of registration as an architect by comity must submit
- (1) an application for registration by comity in compliance with 12 AAC 36.010, including the applicable fees established in 12 AAC 02.110; and
  - (2) verification of a current registration to practice architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country that is based on education, experience, and examination requirements that the board determines were at least equivalent to the requirements of AS 08.48 and this chapter at the time the applicant's out-of-state registration was issued;
  - (3) repealed 3/28/2019.
- (d) An applicant for a certificate of registration as an architect by comity under this section must submit a council record issued by NCARB to verify the applicant's qualifications, including
- (1) examination results;
  - (2) education;
  - (3) experience; and
  - (4) registration in another licensing jurisdiction.
- (e) If an architect who provides a reference letter under (e) of this section does not possess a seal, the applicant must provide the board a statement from that architect,
- (1) providing that architect's registration number; and
  - (2) certifying that the registration of that architect is current.
- (f) Notwithstanding (c) of this section, an applicant who received an initial certificate of registration as an architect on or before July 13, 2011 may submit two letters of reference verifying the applicant's experience as a registered architect for five years or more in a state, territory, or possession of the United States, the District of Columbia, or a foreign country instead of the NCARB council record. Each letter must be signed and sealed by an architect who is legally registered as a professional architect in a state, territory, or possession of the United States, the District of Columbia, or a foreign country.

**Authority:** AS 08.48.101 AS 08.48.171 AS 08.48.191

**12 AAC 36.105. ENGINEER REGISTRATION BY COMITY.** (a) Under AS 08.48.191(b), the board may issue an engineering certificate of registration to an applicant who

- (1) documents education and passage of examinations that meet the requirements of (b) of this section;
  - (2) documents work experience that satisfies the requirements of (c) of this section;
  - (3) has completed the arctic engineering requirements of 12 AAC 36.110; and
  - (4) has completed a jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.48 and this chapter.
- (b) An applicant for engineering registration by comity must
- (1) submit verification of current registration to practice engineering in a state, territory, or possession of the United States, the District of Columbia, or a foreign country that was based upon education, experience, and examination requirements that, in the opinion of the board, were at least equivalent to the requirements of AS 08.48 and this chapter at the time the applicant's out-of-state registration was issued or at least equivalent to current requirements; the applicant must have passed an NCEES engineering examination in the same branch of engineering that is being applied for, as required by 12 AAC 36.100(c); and
  - (2) have passed the fundamentals of engineering examination or had this requirement waived under 12 AAC 36.090.
- (c) An applicant for engineering registration by comity must
- (1) have at least 24 months of **responsible charge** experience in the branch of professional engineering listed in 12 AAC 36.990(17) for which the applicant has applied, as verified by the signature and seal, except as provided in (g) of this section, of the engineer who has supervised the applicant and who was, at the time of providing the supervision,
    - (A) legally registered as a professional engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country; and
    - (B) either
      - (i) registered as a professional engineer in that branch of engineering or a related branch of

engineering approved by the board; or

(ii) practicing in the branch for which the applicant has applied, if the licensing jurisdiction where the supervising engineer was registered as a professional engineer does not register engineers in specific branches of engineering; or

(2) if the applicant has been practicing engineering as a registered engineer for five years or more in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, provide two current letters of reference verifying that experience; each letter must be signed and sealed, except as provided in (g) of this section, by an engineer who is

(A) legally registered as a professional engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country; and

(B) practicing the specific branch of engineering for which the applicant has applied or a related branch of engineering approved by the board.

(d) Repealed 7/19/2009.

(e) An applicant for engineering registration by comity may submit a council record issued by NCEES to verify the applicant's qualifications, including

(1) examination results;

(2) education; and

(3) registration in another licensing jurisdiction.

(g) Repealed 7/19/2009.

(h) If an engineer who provides a work experience verification under (c)(1) of this section or a reference letter under (c)(2) of this section does not possess a seal, the applicant must provide the board a statement from that engineer,

(1) providing that engineer's registration number and branch of engineering; and

(2) if that engineer is providing a reference letter, certifying that the registration of that engineer is current.

(i) In addition to meeting the requirements of (b)(1) of this section, an applicant for structural engineering registration by comity must have passed an NCEES Principles and Practices of Engineering Examination and the 16-hour NCEES Structural Engineering Examination and have six years of experience with a bachelor's degree or five years of experience with a master's degree. Applicants who have passed the NCEES Structural Engineering I Examination, NCEES Structural Engineer II Examination, or both may be granted a civil engineering registration.

**Authority:** AS 08.48.101  
AS 08.48.171

AS 08.48.181

AS 08.48.191

**12 AAC 36.106. REGISTRATION IN ADDITIONAL BRANCHES OF ENGINEERING.** (a) A person who holds a current certificate of registration as an engineer in the state on March 11, 2012 may apply under this section for certificates of registration in one or more additional branches of engineering listed in 12 AAC 36.990(a)(17) by meeting the requirements of this section.

(b) An application for an additional certificate of registration under this section must be submitted on or before December 31, 2013.

(c) An applicant for an additional certificate of registration under this section must submit

(1) a typewritten application on a form prescribed by the board, including the references required under AS 08.48.201;

(2) the application and registration fees established in 12 AAC 02.110;

(3) verification that the applicant has within the 120 months immediately before the date of the application, at least 24 months of responsible charge experience as a licensed professional in the branch of professional engineering that the applicant is applying for;

(4) the plans or other documents required under (e) of this section; and

(5) the letters of reference required under (d) and (e) of this section.

(d) An applicant applying for an additional certificate of registration under this section must provide two letters of reference verifying the applicant's responsible charge experience required under (c)(3) of this section. The letters of reference must meet the requirements of (f) and (g) of this section.

(e) An applicant applying for an additional certificate of registration under this section must provide complete plans or other documents of at least two completed projects demonstrating the engineering abilities of the applicant in the branch of engineering that the applicant is applying for. The plans or other documents must be signed, sealed, and dated, and must include necessary calculations and other applicable supporting documents. The plans or other documents must have been dated within the 120 months immediately before the date of application for an additional certificate of registration under this section. The plans or other documents submitted under this subsection must be



accompanied by a letter of reference for each project attesting to the applicant's competence on the project. The letters of reference must meet the requirements of (f) and (g) of this section.

(f) Except as provided in (g) of this section, the letters of reference required under (d) and (e) of this section must be signed and sealed by an engineer who was registered as a professional engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country at the time of the **responsible charge** experience or when the plans or other documents were signed and sealed, and either

(1) was registered as a professional engineer in the branch of engineering that the applicant seeks registration; or

(2) if the licensing jurisdiction did not register engineers in the specific branch during the period of the experience or when the plans or other documents were signed and sealed, practiced in the branch of engineering that the applicant is applying for.

(g) If an engineer provides a reference letter under (d) or (e) of this section without a seal, the applicant must provide a statement from the engineer certifying that the engineer held a current registration as an engineer during the period of experience or when the plans or other documents were signed and sealed, and the engineer's state of registration, registration number, and branch of engineering.

(h) If requested by the board, the applicant must be available for an interview with the board.

(i) The board may consult subject matter experts in the branch of engineering for which the applicant seeks registration to assist the board in evaluating the application.

(j) Nothing in this section prevents a registrant from applying under this chapter for a certificate of registration by examination or comity in any branch of professional engineering listed in 12 AAC 36.990(a)(17).

(k) To remain current, an additional certificate of registration issued under this section must be renewed as provided in AS 08.48.231.

**Authority:** AS 08.48.101 AS 08.48.201 AS 08.48.231

**12 AAC 36.107. LAND SURVEYOR REGISTRATION BY COMITY.** (a) Under AS 08.48.191(c), the board will, in its discretion, issue a land surveyor registration, without examination, to an applicant who

(1) documents education, experience, and passage of examinations that meet the requirements of (b) of this section;

(2) documents work experience that satisfies the requirements of (c) of this section; and

(3) has passed the state land surveyor examination identified in 12 AAC 36.100(d)(3).

(b) An applicant for land surveyor registration by comity must submit verification of current registration to practice land surveying in another licensing jurisdiction which was based upon education, experience, and examination requirements that, in the opinion of the board, were at least comparable to the requirements of AS 08.48 and this chapter at the time the applicant's out of state registration was issued.

(c) An applicant for land surveyor registration by comity

(1) must have at least 36 months of **responsible charge** experience verified by a registered land surveyor who has supervised the applicant; or

(2) must, if the applicant is registered and has been practicing land surveying for five years or more, provide two current letters of reference from registered land surveyors.

**Authority:** AS 08.48.101 AS 08.48.181 AS 08.48.191  
AS 08.48.171

**12 AAC 36.108. APPLICATION FOR REGISTRATION AS A STRUCTURAL ENGINEER.** (a) A person who holds a current certificate of registration as an engineer in the state on September 9, 2016 may apply under this section for a certificate of registration as a structural engineer by meeting the requirements of this section.

(b) An application for registration as a structural engineer under this section must be submitted on or before July 31, 2017.

(c) An applicant for structural engineering registration under this section must submit

(1) a typewritten application on a form prescribed by the board, including the references required under

AS 08.48.201;

(2) the application and registration fees established in 12 AAC 02.110;

(3) verification that the applicant has, within the 120 months immediately before the date of the application, at least 24 months of **responsible charge** experience in structural engineering; (4) the plans or other documents required under (e) of this section; and

(5) the letters of reference required under (d) and (e) of this section.

(d) An applicant applying for structural engineering registration under this section must provide two letters of reference verifying the applicant's responsible charge experience required under (c)(3) of this section. The letters of reference must meet the requirements of (f) and (g) of this section.

(e) An applicant applying for structural engineering registration under this section must provide complete structural plans or other documents of at least two completed significant structures, demonstrating the engineering abilities of the applicant in structural engineering. The plans or other documents must be signed, sealed, and dated, and must include necessary calculations and other applicable supporting documents. The plans or other documents must have been dated within the 120 months immediately before the date of application for structural engineering registration under this section. The plans or other documents submitted under this subsection must be on an optical disk or thumb drive and must be accompanied by a letter of reference for each project attesting to the applicant's competence on the project. The letters of reference must meet the requirements of (f) and (g) of this section.

(f) Except as provided in (g) of this section, the letters of reference required under (d) and (e) of this section must be signed and sealed by an engineer who was registered as a professional engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country at the time of the responsible charge experience or when the plans or other documents were signed and sealed, and either

(1) was registered as a structural engineer; or

(2) if the licensing jurisdiction did not register structural engineers during the period of the experience or when the plans or other documents were signed and sealed, designed significant structures under another professional engineering license.

(g) If an engineer provides a reference letter under (d) or (e) of this section without a seal, the applicant must provide a statement from the engineer certifying that the engineer held a current registration as an engineer during the period of experience or when the plans or other documents were signed and sealed, and the engineer's state of registration, registration number, and branch of engineering.

(h) If requested by the board, the applicant must be available for an interview with the board.

(i) The board may consult subject matter experts in the branch of engineering for which the applicant seeks registration to assist the board in evaluating the application.

(j) Nothing in this section prevents a registrant from applying under this chapter for a certificate of registration by examination or comity in structural engineering.

(k) To remain current, an additional certificate of registration issued under this section must be renewed as provided in AS 08.48.231.

**Authority:** AS 08.48.101 AS 08.48.201 AS 08.48.231

**12 AAC 36.109. LANDSCAPE ARCHITECT REGISTRATION BY COMITY.** (a) An applicant for landscape architect registration by comity shall comply with 12 AAC 36.110 and verify the applicant's education and experience by submitting an application in compliance with 12 AAC 36.010; and

(1) a CLARB council certificate; or

(2) verification of a current registration to practice landscape architecture in another licensing jurisdiction that was based upon CLARB certificate standards, or that was based upon education, experience, and examination requirements that in the opinion of the board were at least equivalent to the requirements of AS 08.48 and this chapter at the time that the applicant submits an application for registration by comity.

(c) In addition to complying with (a) of this section, an applicant for landscape architect registration by comity must complete a jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.48 and this chapter.

**Authority:** AS 08.48.101 AS 08.48.181 AS 08.48.191  
AS 08.48.171

**12 AAC 36.110. ARCTIC REQUIREMENT.** (a) An applicant for registration as an architect, engineer, or landscape architect must have successfully completed a board-approved university level course in arctic engineering or its equivalent.

(b) Repealed 3/28/2019.

**Authority:** AS 08.48.101 AS 08.48.181 AS 08.48.191  
AS 08.48.171

**12 AAC 36.111. PRACTICE OF LAND SURVEYING.** Repealed 8/30/2007.

**12 AAC 36.112. TEMPORARY MILITARY COURTESY CERTIFICATE OF REGISTRATION.** (a) The board will issue a temporary military courtesy certificate of registration to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice as an architect, engineer, land surveyor, or landscape architect who meets the requirements of AS 08.01.063 and this section not later than 30 days after the board receives a completed application.

(b) An applicant for a temporary military courtesy certificate of registration under this section

- (1) must submit an application on a form provided by the department;
- (2) must submit the documentation required under (c) of this section;
- (3) must pay the temporary license application fee and fee for a temporary license set out under 12 AAC 02.105;
- (4) must submit a copy of
  - (A) the applicant's current active duty military orders showing assignment to a duty station in this state;

or

- (B) if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;
- (5) must submit verification of a current registration to practice architecture, engineering, land surveying, or landscape architecture in a licensing or registering jurisdiction of the United States that is not suspended, revoked, or otherwise restricted; and
- (6) may not have been convicted of a crime that affects the applicant's ability to practice architecture, engineering, land surveying, or landscape architecture competently and safely, as determined by the board.

(d) The executive secretary or the executive secretary's designee shall issue a temporary military courtesy certificate of registration under AS 08.01.063

- (1) to practice architecture to an applicant who
  - (A) submits a council record issued by NCARB verifying the applicant's qualifications, including (i) examination results;
  - (ii) education;
  - (iii) experience; and
  - (iv) registration in another licensing or registering jurisdiction; and
  - (B) has completed the cold regions design requirements required under 12 AAC 36.110;
- (2) to practice engineering to an applicant who
  - (A) submits an NCEES council record with a Model Law Engineer or Model Law Structural Engineer designation verifying the applicant's qualifications, including (i) examination results that meet the requirements of 12 AAC 36.105(b)(1); (ii) education;
  - (iii) experience;
  - (iv) registration in another licensing or registering jurisdiction; and
  - (B) has completed the cold regions design requirements required under 12 AAC 36.110;
- (3) to practice land surveying to an applicant who
  - (A) submits a council record issued by NCEES verifying the applicant's qualifications, including (i) examination results that meet the requirements of 12 AAC 36.107(b);
  - (ii) education that meets the requirements of 12 AAC 36.107(b);
  - (iii) experience that meets the requirements of 12 AAC 36.107(c); and
  - (iv) registration in another licensing or registering jurisdiction; and
  - (B) has passed the state land surveyor examination identified in 12 AAC 36.100(d)(3);
- (4) to practice landscape architecture to an applicant who
  - (A) submits a council record issued by CLARB verifying the applicant's qualifications, including (i) examination results;
  - (ii) education;
  - (iii) experience; and
  - (iv) registration in another licensing or registering jurisdiction; and
  - (B) has completed the cold regions design requirements required under 12 AAC 36.110.

(e) A temporary military courtesy certificate of registration issued to an active duty military member or spouse of an active duty military member under this section will be issued for a period of 180 days and may be renewed for one additional 180-day period, at the discretion of the board.

(f) While practicing under a temporary military courtesy certificate of registration issued under this section, the holder of the temporary military courtesy certificate of registration must comply with the standards of practice set out in AS 08.48 and this chapter.

(g) The board may refuse to issue a temporary military courtesy certificate of registration for the same reasons that it may deny, suspend, or revoke a certificate of registration under AS 08.48.111.

<b>Authority:</b>	AS 08.01.062	AS 08.48.101	AS 08.48.171
	AS 08.01.063	AS 08.48.111	AS 08.48.191

**12 AAC 36.115. RETIRED STATUS REGISTRATION.** (a) An individual holding a retired status registration under AS 08.48.215 may use the title “architect”, “engineer”, “land surveyor”, or “landscape architect”, as appropriate, but may not indicate that the individual is practicing or soliciting to practice architecture, engineering, land surveying, or landscape architecture in the state.

(b) The board will issue an active certificate of registration to an individual who holds a retired status registration if the applicant

- (1) submits a completed application for reactivation on a form provided by the department;
- (2) pays the biennial registration renewal fees established in 12 AAC 02.110;
- (3) seeking an active certificate of registration
  - (A) as a professional architect, engineer, or landscape architect meets at the time that application is made under this section the continuing education requirements applicable under 12 AAC 36.510(j);
  - (B) as a professional land surveyor meets at the time that application is made under this section the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 for one biennial registration period; and
- (4) meets the requirements of 12 AAC 36.165(b), if the individual has held a retired status registration for more than five years.

<b>Authority:</b>	AS 08.48.101	AS 08.48.215
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**12 AAC 36.120. EXPERIENCE CREDIT.** Repealed 9/30/78.

**12 AAC 36.130. DATE OF EXPERIENCE.** Repealed 9.30.78

**12 AAC 36.135. REVIEW OF APPLICATION FOR CORPORATE, LIMITED LIABILITY COMPANY, OR LIMITED LIABILITY PARTNERSHIP AUTHORIZATION.** An applicant who meets the requirements on the checklist established by the board in this section has demonstrated the necessary qualifications for a certificate of authorization for corporate, limited liability company, or limited liability partnership practice. An applicant who does not meet the requirements on this checklist or whose responses on the application form do not clearly show that the applicant is qualified to receive a certificate of authorization will not be issued a certificate unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.48.241 for a certificate of authorization. A certificate of authorization for corporate, limited liability company, or limited liability partnership practice will be issued to an applicant who submits

- (1) a completed form for application that includes the
  - (A) name and address of the corporation, limited liability company, or limited liability partnership;
  - (B) type of architecture, engineering, land surveying, or landscape architecture practiced by the corporation, limited liability company, or limited liability partnership;
  - (C) name and current state registration number of the registrant who will be in **responsible charge** for the activities of the corporation, limited liability company, or limited liability partnership in this state of each branch of practice requiring registration under AS 08.48;

- (D) names of the majority stockholders of the corporation, the names of the members holding a majority interest of a limited liability company, or the names of the partners of a limited liability partnership; and
- (E) signature and title of an agent authorized by the corporation, limited liability company, or limited liability partnership, to apply for corporate, limited liability company, or limited liability partnership authorization under this chapter;
- (2) the corporation, limited liability company, or limited liability partnership certification fee in 12 AAC 02.110;
- (3) a certified copy of a resolution of the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of the limited liability partnership that
  - (A) designates an individual or individuals with a current registration in this state as responsible for each field of practice; and
  - (B) provides that full authority to make all final practice decisions on behalf of the corporation, limited liability company, or limited liability partnership for work performed by the corporation, limited liability company, or limited liability partnership in this state is granted by the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of a limited liability partnership to the individual designated in the resolution as responsible for the relevant field of practice. The individual or individuals in **responsible charge** of a discipline may grant other employees, who are registered in that discipline, the authority to seal drawings on behalf of the corporation, limited liability company, or limited liability partnership. This does not relieve the individual or individuals in **responsible charge** from responsibility for the work delegated to the other employee;
- (4) a copy of the bylaws of the corporation, the articles of incorporation or operating agreement of the limited liability company, or the partnership agreement of the limited liability partnership showing that the corporation, limited liability company, or limited liability partnership has complied with the requirements in AS 08.48.241(b)(1); (5) repealed 8/19/2006;
- (6) a statement of the experience of the corporation, limited liability company, or limited liability partnership in each field of practice of architecture, engineering, land surveying, or landscape architecture during the five years before the date of application;
- (7) a certified statement on a form provided by the board, stating that each licensee designated in **responsible charge** for each branch of practice acknowledges and agrees to that designation by the corporation, limited liability company, or limited liability partnership; the statement must include each **responsible charge** licensee's
  - (A) state registration number;
  - (B) registration expiration date; (C) professional seal; and (D) signature.

**Authority:** AS 08.48.101 AS 08.48.241

**12 AAC 36.140. ARCHITECTURAL CURRICULA APPROVED BY THE BOARD.** Repealed 9/30/78.

**12 AAC 36.145. ARCHITECTURAL, ENGINEERING, OR SURVEYING OFFICES.** (a) Each office maintained for the preparation of drawings, specifications, reports, or other professional work that will require a professional seal must have a registrant assigned to, and regularly employed in, that office who has direct knowledge and supervisory control of the employees of that office.

- (b) While a registrant is required, the office need not have a registrant in every discipline offered by that entity. A registrant in an office of the entity may be in **responsible charge** of the work done in another office for the discipline in which they are registered. To offer a service, at least one registrant licensed in that discipline must be regularly employed by the entity.
- (c) For the purposes of this section,
  - (1) "regularly employed" means in the office at least 20 hours per week;
  - (2) "entity" means a sole practitioner, partnership, corporation, limited liability company, limited liability partnership, or governmental agency.

**Authority:** AS 08.48.101 AS 08.48.111 AS 08.48.221

**12 AAC 36.150. ENGINEERING CURRICULA APPROVED BY THE BOARD.** Repealed 9/30/78.

**12 AAC 36.160. DUPLICATE CERTIFICATE.** A duplicate certificate will be issued by the department upon written request and payment of the duplicate license fee established in 12 AAC 02.105.

**Authority:** AS 08.01.065 AS 08.48.101 AS 08.48.265

**12 AAC 36.165. EXPIRED CERTIFICATES.** (a) A certificate of registration or corporate, limited liability company, or limited liability partnership authorization that is not renewed for a period of five years expires at the end of that period.

(b) An expired certificate of registration may be reinstated by

(1) applying for reinstatement on a form provided by the department, paying the appropriate fee in 12 AAC 02.110, and providing verification of having passed an examination that

(A) meets the applicable requirements of 12 AAC 36.100;

(B) the applicant for registration of an expired engineer certificate took to qualify for registration in this state before April 1967; or

(C) the applicant took to qualify for registration in another licensing jurisdiction; or

(2) reapplying to the board for registration by comity as required by 12 AAC 36.103 - 12 AAC 36.109 and paying the appropriate fee.

(c) An expired certificate of corporate, limited liability company, or limited liability partnership authorization may not be reinstated. A corporation, limited liability company, or limited liability partnership whose certificate of corporate, limited liability company, or limited liability partnership authorization has expired must apply for a new certificate of corporate, limited liability company, or limited liability partnership authorization under AS 08.48.241.

(d) Repealed 1/20/2002.

(e) An applicant for reinstatement of an expired certificate of registration shall meet the requirements of 12 AAC 36.110(a) unless the applicant was originally registered in the state based on an acceptable treatise.

(f) Notwithstanding (b) of this section, the board may require an applicant for reinstatement who has been sanctioned for any of the conduct described in 12 AAC 36.320 in the ten years preceding the application for reinstatement to be re-examined under 12 AAC 36.100.

**Authority:** AS 08.01.100 AS 08.48.231 AS 08.48.241  
AS 08.48.101

**12 AAC 36.170. FEES.** All fees under AS 08.48 and this chapter, including application, examination, registration, renewal, late renewal penalty, and continuing education extension period fees are established in 12 AAC 02.105 and 12 AAC 02.110.

**Authority:** AS 08.01.065 AS 08.48.101 AS 08.48.265  
AS 08.01.100

**12 AAC 36.180. SEAL.** (a) The seal authorized for use by professional architects is of the following design or a substantially similar electronic or digital representation of the design.



(b) The seal authorized for use by professional engineers is of the following design or a substantially similar electronic or digital representation of the design:



The seal must reflect the branch of engineering authorized by the board. This identification is to be placed below the registrant's name and preceding the registrant's number on the seal as noted:

- AG — Agricultural engineer
- EC — Chemical engineer
- CE — Civil engineer
- CS — Control systems engineer
- EE — Electrical engineer
- EV — Environmental engineer
- FP — Fire protection engineer
- IN — Industrial engineer
- ME — Mechanical engineer
- MM — Metallurgical and Materials engineer
- EM — Mining and Mineral Processing engineer
- NM — Naval architecture and Marine engineer
- NU — Nuclear engineer
- EP — Petroleum engineer

(c) The seal authorized for use by professional land surveyors is of the following design or a substantially similar electronic or digital representation of the design:



(d) The seal authorized for use by professional landscape architects is of the following design or a substantially similar electronic or digital representation of the design:



(e) The seal authorized for use by structural engineers is of the following design or a substantially similar electronic or digital representation of the design:



The seal must reflect the branch identification authorized by the board. This identification is to be placed below the registrant's name and preceding the registrant's number on the seal.

**Authority:** AS 08.48.101 AS 08.48.221

**12 AAC 36.185. USE OF SEALS.** (a) A registrant may

- (1) not sign or seal a drawing or document dealing with professional services in which the registrant is not qualified to sign or seal by virtue of education, experience, and registration;
- (2) approve and seal only design documents and surveys that are safe for public health, property, and welfare in conformity with accepted architecture, engineering, land surveying, and landscape architecture standards in Alaska;
- (3) seal only final drawings, surveys, reports, and required construction documents for which the registrant is qualified to seal and for which the registrant claims responsibility;
- (4) not knowingly allow the use of his or her seal by another person on a document that the registrant has neither prepared nor reviewed personally;
- (5) not use the seal or a reproduction of the seal of another registrant on a document, regardless of the intended use of the document;
- (6) not sign a name other than his or her own name over a seal, and may not forge the signature of the individual to whom the seal was issued by the board; and
- (7) not sign or seal drawings, documents, or other professional work for which the registrant does not have direct professional knowledge ~~and direct supervisory control and~~ responsible charge.

(b) If portions of drawings, documents, or other professional work are prepared by other registered professionals, a registrant may seal only that portion of the work for which the registrant has direct professional knowledge ~~and direct supervisory control and responsible charge.~~ (c) Repealed 10/31/2019.

(d) The registrant shall include the date each time the registrant signs and seals a document by electronically or manually inserting the date within the seal or within two inches of the seal.



(e) The registrant, by sealing final drawings, takes responsibility for related discipline specifications included in the final drawings, unless under AS 08.48.221 the registrant certifies on the face of the document the extent of the registrant's responsibility.

(f) An electronic image of a signature may be used on the seal if the registrant or the owner of the documents retains an original copy of the documents, accessible for later reference, that has either

- (1) an original hand signature over the seal; or
- (2) software in place that will automatically remove or modify the electronic image of the signature if the document is modified.

(h) The registrant shall include on all documents that are required to be signed and sealed

- (1) its business name, physical address, and telephone number;
- (2) the project name or identification;
- (3) the project address or location; and
- (4) the certificate of authorization number issued to the corporation, limited liability company, or limited liability partnership to practice architecture, engineering, land surveying, or landscape architecture, if applicable.

(i) On documents where multiple entities that are authorized to practice architecture, engineering, land surveying, or landscape architecture are indicated, the registrant shall clearly identify the sole proprietor, partnership, corporation, limited liability company, limited liability partnership, or other authorized entity responsible for the work.

(j) Drawings, engineering surveys, reports, and construction documents regarding the structural systems of a significant structure must be sealed by a registered structural engineer.

**Authority:** AS 08.48.101 AS 08.48.111 AS 08.48.221

**12 AAC 36.190. TESTING LABORATORY REPORTS.** Reports issued by testing laboratories shall be prepared by or under the supervision of a registered engineer and signed or sealed by him whenever such reports go beyond the tabulation of test data (compositions of material, breaking stress, etc.) by

- (1) interpreting the data to draw conclusions as to the characteristics of a civil engineering structure or parts of one;
- (2) expressing engineering judgment in the form of recommendations derived from the results of the

test; or

- (3) performing design work in the preparation of plans, specifications and other instruments requiring registration as an engineer.

**Authority:** AS 08.48.101

**12 AAC 36.195. SITE ADAPTATION AND FIELD ALTERATIONS OF SEALED DOCUMENTS.** Except as specified in this section, a person may not alter, or contribute to the altering of, any document that has been sealed by a registrant authorized under AS 08.48. A registrant may site adapt or field alter in this state sealed documents prepared by another registrant of the same discipline if the registrant

- (1) has written permission
  - (A) to adapt or alter the sealed documents from the registrant who sealed the original sealed documents; or
  - (B) from the legal owner of the original sealed documents; the legal owner of the original sealed documents must have written proof of ownership of the sealed documents from the registrant who sealed the documents;
- (2) reviews the sealed documents and makes all necessary revisions to bring the sealed documents into compliance with applicable codes, regulations, and job-specific requirements;
- (3) affixes to the calculations of the
  - (A) site adapted documents a sealed certification, "I certify that I have reviewed the relevant calculations for the site adapted documents in accordance with 12 AAC 36.185", or the registrant shall independently prepare and seal all calculations for site adapted documents; or
  - (B) field altered documents a sealed certification, "I certify that I have reviewed the relevant calculations for field altered documents in accordance with 12 AAC 36.185 and that the alterations will have no significant effect on other design considerations of the originally sealed documents", or the registrant shall independently prepare and seal all additional calculations for field adapted documents;

(4)reissues the sealed documents after review with the title block and seal of the registrant performing the site adaptation, or in the case of field altered documents have provided additional sealed drawings with the title block and seal of the registrant performing the work; and

(5)maintains professional control over the use of the site-adapted or field altered sealed documents as if they were any other original sealed documents of the registrant and maintains the sealed documents on file.

**Authority:** AS 08.48.101 AS 08.48.221

## **ARTICLE 2. CODE OF PROFESSIONAL CONDUCT.**

### **Section**

- 200. Ethical standards**
- 205. Scope of practice for engineers**
- 210. Professional conduct**
- 220. Conflict of interest**
- 225. (Repealed)**
- 230. Solicitation of employment**
- 232. Offer to practice**
- 235. Advertising**
- 240. (Repealed)**
- 245. Full disclosure**
- 250. Standards of practice for land surveyors**

**12 AAC 36.200. ETHICAL STANDARDS.** (a) In order to establish and maintain a high standard of integrity, skill, and practice in the professions of architecture, engineering, and land surveying, or landscape architecture, and to safeguard the life, health, property, and welfare of the public, 12 AAC 36.200 - 12 AAC 36.245 are binding upon every individual holding a certificate of registration as an architect, engineer, land surveyor, or landscape architect, and upon all partnerships, corporations, limited liability companies, or limited liability partnerships, or other legal entities authorized to offer or perform architectural, engineering, land surveying, or landscape architectural services in this state.

(b) A registrant shall act with complete integrity in professional matters.

(c) A registrant may not practice architecture, engineering, land surveying, or landscape architecture if the registrant's professional competence is substantially impaired.

**Authority:** AS 08.48.101 AS 08.48.111

**12 AAC 36.205. SCOPE OF PRACTICE FOR ENGINEERS.** A person who holds a current certificate of registration as an engineer in the state may practice in that branch or branches of engineering, as defined in 12 AAC 36.990(a), for which the engineer holds a registration, even if the engineering practice includes activities that are included in another branch of engineering defined in 12 AAC 36.990(a).

**Authority:** AS 08.48.101 AS 08.48.341

### **12 AAC 36.210. PROFESSIONAL CONDUCT.** (a) A registrant

(1) must at all times recognize that a registrant's primary obligation is to protect the safety, health, property, and welfare of the public in the performance of his or her professional duties;

(2) must, if the registrant's professional judgment is overruled creating circumstances in which the safety, health, property, and welfare of the public are endangered, notify his or her employer, client, and other proper authority of the situation and possible consequences as may be appropriate;

(3) may perform assignments only if the registrant's associates, consultants, and employees are qualified by education, training, or experience and, if required, registered in the specific technical branches or fields involved;

(4) shall be completely truthful in all professional reports, statements, or testimony, and shall include in them all relevant and pertinent information known to the registrant;

(5) may not knowingly associate with, or permit the use of his or her name or firm name in a business venture by a person or firm that the registrant knows or has reason to believe is engaging in business or professional practices in a fraudulent or dishonest manner;

(6) shall inform the board if he or she has knowledge or reason to believe that another person or firm might be in violation of AS 08.48, or a regulation adopted under it, and shall cooperate with the board by furnishing all further information or assistance required;

(7) may not offer or make a payment or gift to a government official, whether elected or appointed, with the intent of influencing the official's judgment in connection with a prospective or existing project in which the registrant is interested;

(8) may not knowingly design, lay out, certify, approve, or otherwise imply or certify as suitable or fit for use a project in violation of applicable federal, state, or local laws relating to the practice of architecture, engineering, land surveying, or landscape architecture;

(9) may not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with an application for registration or renewal of a registration issued under AS 08.48;

(10) shall make every reasonable effort to provide professional services in a complete and efficient manner so as not to unduly delay a project.

(b) If, in the course of a registrant's work on a project, the registrant becomes aware of a decision made by his or her employer or client, against the registrant's advice, which violates applicable state or municipal building laws and as a result of which the finished project will, in the registrant's judgment, materially and adversely affect the safety of the public the registrant shall

(1) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws; and

(2) refuse to consent to the decision.

**Authority:** AS 08.48.101 AS 08.48.111

**12 AAC 36.220. CONFLICT OF INTEREST.** (a) A registrant

(1) shall attempt to avoid all conflicts of interest with his or her employer or client, but, if some conflict is unavoidable a registrant shall promptly inform his or her employer or client of the registrant's business association, interests, or circumstances that could influence the registrant's judgment or the quality of the registrant's service to the employer or client;

(2) may not accept financial or other compensation from more than one party for services on or pertaining to the same project, unless the circumstances are fully disclosed to and agreed to by all interested parties or their authorized agents;

(3) may not solicit or accept financial or other valuable consideration from a supplier for specifying a supplier's product, unless the registrant is the vendor or supplier of the specified product and has fully disclosed that fact to the client; and

(4) may not solicit or accept gratuities from other parties dealing with the registrant's client or employer in connection with the work for which the registrant is responsible.

(b) If a registrant is in public service as a member, advisor, or employee of a government body, the registrant may not review work previously performed by the registrant or the registrant's former private sector employer.

**Authority:** AS 08.48.101(a) AS 08.48.111

**12 AAC 36.225. PUBLIC SERVICE.** Repealed 8/29/87.

**12 AAC 36.230. SOLICITATION OF EMPLOYMENT.** (a) A registrant may not pay, solicit, nor offer, directly or indirectly, a bribe or commission for professional employment, except for payment of the usual commission for securing salaried position through a licensed employment agency. (b) Deleted 11/18/83.

(c) A registrant may not falsify or permit misrepresentation of his or her associates' academic or professional qualifications. A registrant may not misrepresent or exaggerate his or her degree of responsibility in or for the subject matter of prior assignments. A registrant shall accurately represent his or her qualifications as required by 12 AAC 36.245(2).

(d) Brochures or other presentations incident to a registrant's solicitation of employment may not, with the intent and purpose of enhancing the registrant's qualifications and work, misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or the registrant's past accomplishments.

**Authority:** AS 08.48.101 AS 08.48.111

**Editor's Note:** As of Register 88, Jan. 1984, 12 AAC 36.230(b) was deleted by the regulations attorney under AS 44.62.125(b)(6) and in accordance with a Stipulation and proposed Final Judgment filed on November 18, 1983 by the Board of Architects, Engineers and Land Surveyors and the United States Department of Justice in the United States District Court for the District of Alaska in United States v. Alaska Board of Registration for Architects, Engineers and Land Surveyors, Civil Action No. A82-423 CIV. This Stipulation and proposed Judgment were filed because 12 AAC 36.230(b) was in violation of section 1 of the Sherman Antitrust Act [15 U.S.C. § 1 (1977)]. The proposed Final Judgment which may become final on or soon after January 16, 1984 will, also prohibit further enforcement of any ban or board policy against competitive bidding.

**12 AAC 36.232. OFFER TO PRACTICE.** For the purposes of AS 08.48.281, 08.48.291, 08.48.295, and 08.48.321, an "offer to practice" architecture, engineering, land surveying, or landscape architecture includes

- (1) a response to a request for proposals (RFP) that contains information that could be used to qualify as a potential provider of services;
- (2) a proposal in which a monetary value is suggested as the acceptable payment for services offered;
- or
- (3) an acceptance of employment for the purpose of providing service or work described in the "practice of architecture", "practice of engineering", "practice of land surveying", or "practice of landscape architecture" in AS 08.48.341

<b>Authority:</b>	AS 08.48.101	AS 08.48.281	AS 08.48.295
	AS 08.48.111	AS 08.48.291	AS 08.48.321

**12 AAC 36.235. ADVERTISING.** A registrant may not advertise his or her services in a deceptive or untruthful manner.

<b>Authority:</b>	AS 08.48.101(a)	AS 08.48.111
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**12 AAC 36.240. IMPROPER CONDUCT.** Repealed 8/29/87.

**12 AAC 36.245. FULL DISCLOSURE.** A registrant

- (1) may not issue a statement, criticism, or argument on professional matters connected with the public interest which are inspired or paid for by an interested party, unless the registrant has prefaced the comment by disclosing the identity of the party and the existence of any pecuniary interest;
- (2) shall accurately represent to a prospective or existing client or employer his or her qualifications and scope of responsibility in connection with work for which the registrant is claiming credit; and
- (3) may not solicit or accept a professional contract from a governmental body on which a principal or officer of the registrant's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances, consent of appropriate public authority, and compliance with all other applicable laws.

<b>Authority:</b>	AS 08.48.101(a)	AS 08.48.111
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**12 AAC 36.250. STANDARDS OF PRACTICE FOR LAND SURVEYORS.** A person who holds a current certificate of registration as a land surveyor shall at a minimum perform work that meets the Alaska Society of Professional Land Surveyors, *ASPLS Standards of Practice Manual – 2013*, Chapter 2, adopted by reference.

<b>Authority:</b>	AS 08.48.101	AS 08.48.341
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**Editor's note:** The Alaska Society of Professional Land Surveyors, *ASPLS Standards of Practice Manual – 2013*, Chapter 2, adopted by reference in 12 AAC 36.250, may be obtained by writing to the Alaska Society of Professional Land Surveyors, P.O. Box 112835, Anchorage, AK 99511-2835; Internet address: <http://www.alaskapls.org/sop2013.html>

### ARTICLE 3. DISCIPLINARY GUIDELINES.

**Section**

- 300. Purpose of disciplinary guidelines**
- 310. Violations**
- 320. Disciplinary guidelines**
- 330. Definitions for disciplinary guidelines**

**12 AAC 36.300. PURPOSE OF DISCIPLINARY GUIDELINES.** To ensure that the board's disciplinary policies are known and are administered consistently and fairly, the disciplinary guidelines in 12 AAC 36.310 - 12 AAC 36.330 are established.

**Authority:** AS 08.48.101(a) AS 08.48.111

**12 AAC 36.310. VIOLATIONS.** A person who, after a hearing under the Administrative Procedure Act (AS 44.62), is found to have violated a provision of AS 08.48 or this chapter, is subject to the disciplinary penalties listed in AS 08.01.075, including public notice of the violation and penalty in appropriate publications.

**Authority:** AS 08.48.101 AS 08.48.111

**12 AAC 36.320. DISCIPLINARY GUIDELINES.** (a) Nothing in this section prohibits the board from imposing greater or lesser penalties than those described, depending on the circumstances of a particular case.

(b) The board will, in its discretion, issue a public reprimand in connection with a disciplinary action taken under AS 08.48 and this chapter.

(c) The board will, in its discretion, revoke a registration or certificate in cases of (1) gross negligence;

(2) incompetence that caused the life, health, or safety of a member of the public to be placed in jeopardy of death or injury;

(3) fraud or deceit in obtaining or attempting to obtain a registration or certificate.

(d) The board will, in its discretion, suspend a registration or certificate for up to three years, followed by probation if the board considers it appropriate in cases of

(1) incompetence that caused property to be placed in jeopardy of loss or injury;

(2) incompetence that caused the design or engineering of a project to be unusable or unsafe; (3) incompetence that caused a land survey to be unusable; or

(4) incompetence that caused undue harm.

(e) The board, in its discretion, will suspend a registration or certificate for up to two years in cases of (1) incompetence involving violation of AS 08.48 and 12 AAC 36; or (2) misconduct that caused undue harm by action or nonaction.

(f) The board will, in its discretion, suspend a registration or certificate for up to one year in cases of misconduct which caused no undue harm.

(g) The board may impose a disciplinary sanction if, after registration in this state, the registrant has had a disciplinary action taken with respect to a license, registration, or certificate to practice engineering, architecture, land surveying, or landscape architecture in another state or territory of the United States, or a province or territory of Canada, unless such action was caused by the failure of the registrant to pay fees to that state, territory, or province.

(h) In a board proceeding involving a disciplinary sanction under (g) of this section, certified copies of the final findings of fact, conclusions of law, an order of the authority taking the prior disciplinary action is prima facie evidence of the disciplinary action taken and the grounds for such action.

**Authority:** AS 08.48.101 AS 08.48.111

**12 AAC 36.330. DEFINITIONS FOR DISCIPLINARY GUIDELINES.** In 12 AAC 36.320

(1) "fraud or deceit in obtaining a registration or certificate" includes

(A) giving false statements or facts or forging letters of work experience or letters of reference related to an application form or renewal notice; or

(B) intentional misrepresentation of the number of hours, months, or years of employment on an application or renewal notice;

(2) "gross negligence" means the intentional or reckless failure to perform the registrant's duties and responsibilities according to AS 08.48 or this chapter, resulting in

(A) the life, health, or safety of a member of the public being placed in jeopardy of death or injury; or

(B) a person's property being placed in jeopardy of loss or injury;

(3) "incompetence" means lacking the ability, knowledge, skills, or professional judgment to discharge the professional duties of a registrant as required by law;

(4) “misconduct” means the failure to perform a registrant’s responsibilities according to AS 08.48 and this chapter, if the failure does not constitute gross negligence.

**Authority:** AS 08.48.101 AS 08.48.111

#### **ARTICLE 4. CONTINUING EDUCATION FOR PROFESSIONAL LAND SURVEYORS.**

##### **Section**

**400. (Repealed) 410.**

**(Repealed) 420.**

**(Repealed)**

**430. (Repealed) 440.**

**(Repealed)**

**450. (Repealed)**

**12 AAC 36.400. PURPOSE OF CONTINUING EDUCATION.** Repealed 7/13/2011.

**12 AAC 36.410. CONTINUING EDUCATION REQUIREMENTS.** Repealed 7/13/2011.

**12 AAC 36.420. COMPUTATION OF CONTINUING EDUCATION CREDIT.** Repealed 7/13/2011.

**12 AAC 36.430. EXEMPTIONS.** Repealed 7/13/2011.

**12 AAC 36.440. RECORD KEEPING AND REVIEW OF RECORDS.** Repealed 7/13/2011.

**12 AAC 36.450. DEFINITIONS.** Repealed 7/13/2011.

**Editor’s note:** As of 7/13/2011, Register 199, the substance of former 12 AAC 36.400 – 12 AAC 36.450 appears in 12 AAC 36.500 – 12 AAC 36.550.

#### **ARTICLE 5. CONTINUING EDUCATION FOR PROFESSIONAL ARCHITECTS, ENGINEERS, LAND SURVEYORS, AND LANDSCAPE ARCHITECTS.**

##### **Section**

**500. Purpose of continuing education**

**510. Continuing education requirements**

**520. Computation of continuing education credit**

**530. Exemptions**

**540. Record keeping and review of records**

**550. Definitions**

**12 AAC 36.500. PURPOSE OF CONTINUING EDUCATION.** The purpose of the continuing education program is to maintain a continuing level of competency and standards for professional architects, engineers, land surveyors, and landscape architects, in order to promote the public health, safety, and welfare within this state.

**Authority:** AS 08.48.071 AS 08.48.101

**12 AAC 36.510. CONTINUING EDUCATION REQUIREMENTS.** (a) Unless exempted under 12 AAC 36.530, a professional architect, engineer, land surveyor, or landscape architect must meet the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 as a condition of the renewal, reinstatement, or reactivation of the professional architect, engineer, land surveyor, or landscape architect registration.

(b) Unless exempted under 12 AAC 36.530, a professional architect, engineer, land surveyor, or landscape architect seeking renewal, reinstatement, or reactivation of a professional architect, engineer, land surveyor, or landscape architect registration shall submit, on a form provided by the department, a certification that the professional architect, engineer, land surveyor, or landscape architect has met the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550.

(c) To renew a professional architect, engineer, land surveyor, or landscape architect registration, a professional architect, engineer, land surveyor, or landscape architect must obtain a minimum of 24 professional development hours during the 24 months immediately preceding that registration period.

(d) To reinstate a lapsed professional architect, engineer, land surveyor, or landscape architect registration, a professional architect, engineer, land surveyor, or landscape architect seeking reinstatement must obtain a minimum of 24 professional development hours during the 24 months immediately preceding the application for reinstatement of the professional architect, engineer, land surveyor, or landscape architect registration.

(e) A professional architect, engineer, land surveyor, or landscape architect who obtains more professional development hours during a biennial registration period than needed to qualify for renewal or reinstatement of the professional architect, engineer, land surveyor, or landscape architect registration may apply up to 12 of the excess professional development hours to the continuing education requirement for the subsequent biennial period for professional architect, engineer, land surveyor, or landscape architect registration.

(f) A professional architect, engineer, land surveyor, or landscape architect holding multiple registrations in the state is required to earn at least the minimum number of professional development hours of continuing education as those required for a single registration holder. However, at least eight hours of the professional development hours must be in each registration held.

(g) Continuing education courses or activities are not pre-approved by the board, but must meet the following criteria:

(1) the subject matter must address the public's health, safety, and welfare by instructing in the proper planning and design in the area of the registrant's registration or discipline, for the construction of buildings, structures, infrastructure, or the spaces within and surrounding such facilities, preservation and enhancement of land use and natural land features, measuring and locating land for property boundaries, platting, planning and design of subdivisions, or the preparation and perpetuation of maps or record plats so that generally

(A) risk of injury to persons or property is minimized;

(B) the results are durable and environmentally friendly;

(C) the results function properly in all relevant respects; or

(D) the results enhance the general welfare of the public;

(2) the course or activity must be relevant to the practice of professional architecture, engineering, land surveying, or landscape architecture, and may include technical, ethical, or managerial content;

(3) the course or activity must be designed to maintain, improve, or expand professional architect, engineer, land surveyor, or landscape architect skills and knowledge;

(4) each course or activity must be well organized and the content presented in a sequential manner; and

(5) the presentation must be made by persons who are well qualified in the subject by education or experience in the subject.

(h) The sponsoring organizations that provide continuing education may be an educational institution, a professional association, or a business or governmental organization. Sponsoring organization's continuing education that satisfies the requirements of this section includes the professional architect's, engineer's, land surveyor's, or landscape architect's

(1) successful completion of college courses;

(2) successful completion of continuing education courses;

(3) successful completion of short courses, tutorials, correspondence, web-based courses, and televised or videotaped courses;

(4) attending seminars, in-house workshops, or professional or technical presentations at meetings, conventions, or conferences;

(5) authoring published papers, articles, or books;

(6) serving as an officer or actively participating in a committee of professional or technical societies; and

(7) teaching or instructing the activities listed in (1) – (4) of this subsection.

(i) A professional architect, engineer, land surveyor, or landscape architect who also holds a registration as a professional architect, engineer, land surveyor, or landscape architect in another licensing jurisdiction may meet the requirements of 12 AAC 36.510 – 12 AAC 36.550 by establishing that the professional architect, engineer, land surveyor, or landscape architect has met the mandatory continuing education requirements for renewal of the professional architect, engineer, land surveyor, or landscape architect registration in the other licensing jurisdiction, if

the mandatory continuing education requirements of the other jurisdiction are substantially similar to or exceed those of 12 AAC 36.510 – 12 AAC 36.550 at the time that continuing education credit is claimed.

(j) To reactivate a retired professional architect, engineer, land surveyor, or landscape architect registration, a professional architect, engineer, land surveyor, or landscape architect seeking reactivation must obtain 24 professional development hours during the 24 months immediately preceding the application for reactivation of the professional architect, engineer, land surveyor, or landscape architect registration.

(k) If an applicant for renewal of an architect, engineer, land surveyor, or landscape architect registration fails to meet the continuing education requirements of (c) of this section on or before December 31st of the current biennium, the applicant may request an extension to complete the required professional development hours. This extension does not function as a license extension and the registrant cannot practice during this period. The applicant must

- (1) submit a completed application for biennial registration renewal on a form provided by the department;
- (2) pay the biennial registration renewal and continuing education extension fees established in 12 AAC 02.110;
- (3) complete the required professional development hours before the first January 31st of the new biennium; and
- (4) submit a continuing education audit form with documentation, acceptable to the board, showing completion of the required continuing education.

**Authority:** AS 08.48.071 AS 08.48.101 AS 08.48.341

**12 AAC 36.520. COMPUTATION OF CONTINUING EDUCATION CREDIT.** (a) The board has final authority with respect to the acceptance of courses, activities, credits, professional development hour values, and other methods of earning continuing education credits. Continuing education credit is computed as follows:

- (1) credit for college approved courses is based upon course credit established by the college;
- (2) credit for qualifying seminars, in-house workshops, and professional or technical presentations is based on one professional development hour for each hour of attendance at the seminar, in-house workshop, or professional or technical presentation;
- (3) attendance at qualifying programs presented at professional and technical society meetings, conventions, or conferences earns one professional development hour for each hour of attendance at the program;
- (4) credit for published papers, articles, or books is
  - (A) based on one professional development hour for each hour of professional preparation of the paper, article, or book;
  - (B) determined by the professional architect, engineer, land surveyor or landscape architect; and
  - (C) subject to review and approval by the board under the standards set out in 12 AAC 36.510 - 12 AAC 36.550;

(5) credit for participating in professional and technical societies may be claimed for a year of service as an officer or in active participation in a committee of the society, based on one professional development hour for every two hours of service or participation; professional development hour credits under this paragraph are earned at the end of each full year of service or participation.

(b) The computation of credits of professional development hours is as follows:

- (1) one unit of college semester credit equals 45 professional development hours;
- (2) one unit of college quarter credit equals 30 professional development hours;
- (3) one continuing education unit of professional architect, engineer, land surveyor, or landscape architect continuing education equals 10 professional development hours;
- (4) one hour of a seminar, in-house workshop, or professional or technical presentation attended at meetings, conventions, or conferences equals one professional development hour;
- (5) one hour of initial instruction of the subject matter when teaching professional development courses, seminars, or professional or technical presentations equals two professional development hours; this provision does not apply to full-time faculty;
- (6) up to 10 professional development hours per biennial registration period may be claimed for a published paper, article, or book, based on the amount of time and effort required to produce the paper, article, or book;
- (7) for serving as an officer or actively participating in a committee of professional and technical societies, up to eight professional development hours per year may be claimed for each professional or technical society.

**Authority:** AS 08.48.071 AS 08.48.101



**12 AAC 36.530. EXEMPTIONS.** (a) A professional architect, engineer, land surveyor, or landscape architect is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 for the first biennial registration renewal period following initial issuance of the professional architect, engineer, land surveyor, or landscape architect registration.

(b) A professional architect, engineer, land surveyor, or landscape architect is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 for renewal of the professional architect, engineer, land surveyor, or landscape architect registration for the biennial registration period immediately following a period of service by the professional architect, engineer, land surveyor, or landscape architect on active duty in the armed forces of the United States exceeding 120 consecutive days within a 12-month period.

(c) A professional architect, engineer, land surveyor, or landscape architect who is in retired status under 12 AAC 36.115 is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 during the time the professional architect, engineer, land surveyor, or landscape architect is retired. A retired professional architect, engineer, land surveyor, or landscape architect who wishes to return to active practice as a professional architect, engineer, land surveyor, or landscape architect must meet the requirements of 12 AAC 36.115, including continuing education requirements applicable under 12 AAC 36.510(j).

(d) A professional architect, engineer, land surveyor, or landscape architect may request an exemption from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 by submitting a written request to the board that describes the reasons for the request and includes supporting documentation. If the board finds good cause, the board will grant an exemption under this subsection to a professional architect, engineer, land surveyor, or landscape architect who is experiencing a physical disability, serious illness, family emergency, or other extenuating circumstance.

**Authority:** AS 08.48.071 AS 08.48.101

**12 AAC 36.540. RECORD KEEPING AND REVIEW OF RECORDS.** (a) A professional architect, engineer, land surveyor, or landscape architect shall maintain records that may be used to verify professional development hours claimed under 12 AAC 36.510 – 12 AAC 36.550. These required records include

(1) a log showing the course or activity claimed, the sponsoring organization, the location and duration of the course or activity, the name of the speaker or instructor, and the unit of credit or number of professional development hours earned; and

(2) attendance verification records in the form of completion certifications, signed attendance receipts, receipts for the payment of tuition or fees, a copy of a list of participants signed by the speaker or instructor, or similar documents showing evidence of attendance.

(b) Records required under (a) of this section must include sufficient detail to permit verification during an audit, and must be maintained for at least four years from the date that the course or activity was completed.

(c) The board may request at any time that a professional architect, engineer, land surveyor, or landscape architect provide proof of compliance with the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550. A professional architect, engineer, land surveyor, or landscape architect must provide a copy of the records required under (a) of this section to the board no later than 30 days after receipt of a request for the records.

(d) Audits of compliance of professional architect, engineer, land surveyor, or landscape architect continuing education requirements will be conducted in accordance with 12 AAC 02.960.

**Authority:** AS 08.48.071 AS 08.48.101

**12 AAC 36.550. DEFINITIONS.** In 12 AAC 36.500 – 12 AAC 36.550, unless the context requires otherwise,

(1) “college” includes a community college and a university;

(2) “continuing education unit” means a uniform unit of measure for continuing education and training established by a nationally recognized professional or technical society acceptable to the board;

(3) “course or activity” means a unit of instruction

(A) with a clear purpose and objective to maintain, improve, or expand the skills and knowledge relevant to the practice of a professional architect, engineer, land surveyor, or landscape architect; and

(B) that meets the requirements of 12 AAC 36.510;

(4) “in-house workshop” means a seminar, program, or training session presented by a professional with expertise in the field of architecture, engineering, land surveying, or landscape architecture;

(5) “professional development hour” means not less than 50 minutes of instruction or presentation in a continuing education course or activity that meets the requirements of 12 AAC 36.510.

**Authority:** AS 08.48.101 AS 08.48.341

**ARTICLE 6.**  
**GENERAL PROVISIONS.**

**Section**

- 900. Current address**
- 910. Board member absences**
- 920. Board bylaws**
- 990. Definitions**

**12 AAC 36.900. CURRENT ADDRESS.** A registrant shall maintain a current, valid mailing address on file with the division at all times. The latest mailing address on file for an active, inactive, or lapsed registration or certificate is the appropriate address for official communications, notifications, and service of legal process.

**Authority:** AS 08.48.101

**12 AAC 36.910. BOARD MEMBER ABSENCES.** (a) The board may recommend to the governor that a member be removed from the board if that member has three or more unexcused absences from regularly scheduled board meetings in a 24-month period.

(b) Before the close of each regularly scheduled board meeting, the board will determine whether a member's absence from that meeting is excused or unexcused. An absence will be considered excused if it is pre-approved by the chair of the board or due to an emergency.

**Authority:** AS 08.01.020 AS 08.48.041 AS 08.48.101

**12 AAC 36.920. BOARD BYLAWS.** The board will conduct its meetings and activities under the bylaws established by the board in the pamphlet entitled "*Bylaws*," dated May 2014, adopted by reference.

**Authority:** AS 08.48.101

**Editor's note:** The pamphlet entitled "*Bylaws*" adopted by reference in 12 AAC 36.920 may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, State Board of Registration for Architects, Engineers, and Land Surveyors, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; phone (907) 465-1676.

**12 AAC 36.990. DEFINITIONS.** (a) For the purposes of this chapter and AS 08.48, unless the context requires otherwise

- (1) "advanced courses" means courses in institutes of higher learning beyond the second academic year;
- (2) "board" means the State Board of Registration for Architects, Engineers, and Land Surveyors;
- (3) "chemical engineering" means the branch of professional engineering that embraces studies and activities relating to applied chemistry, both industrial and nonindustrial, concerned with chemical materials, their composition, locations, transportation, and storage; chemical and physical-chemical processes naturally occurring or artificially operated, their matter and energy changes, the conditions of temperature, concentration and media for those changes, including apparatus and analytical control; chemical products, their quality, quantity, applications, uses, and values; preparation of materials for public or industrial use, including water supply, waste abatement, and pollution control; and the organizational and economic aspects of these studies and activities;
- (4) "civil engineering" means the branch of professional engineering that embraces studies and activities relating to research, design, and construction of fixed works, other than significant structures, for irrigation, drainage, waterpower, water supply and treatment, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, sewerage, refuse disposal, foundations, structures, and bridges, and the organizational and economic aspects of these studies and activities;

(5) "design" means the original and unique application of basic aesthetic, mathematical and physical and chemical principles to provide an acceptable solution of a problem or project;

(6) repealed 8/26/98;

(7) "ABET" means Accreditation Board for Engineering and Technology;

(8) "electrical engineering" means the branch of professional engineering that embraces studies and activities relating to generation, transmission and utilization of electrical energy, fire detection and alarm systems, control systems, electronic systems, and to telecommunications systems and facilities, including the design of electrical, electronic and magnetic circuits and components, and the technical control of their operation and of the design of electrical, fire alarm gear, control, electronic and telecommunications gear, and the organizational and economic aspects of these studies and activities;

(9) "mechanical engineering" means the branch of professional engineering that embraces studies and activities relating to the generation, transmission and utilization of energy in the thermal and mechanical form; engineering issues relating to the production of tools, machinery and their products; mechanical processes, heating, air conditioning, refrigeration, product transport, fire and smoke suppression, and plumbing; and the research, design, production, operation, control, and the organizational and economic aspects of these studies and activities;

(10) "mining and mineral processing engineering" means the branch of professional engineering that embraces studies and activities relating to the exploration, location, and recovery of mineral commodities, and the research, design, construction, and development of structures, devices, and facilities of production, and the organizational and economic aspects related to these studies and activities;

(11) repealed 7/26/97;

(12) "NCARB" means the National Council of Architectural Registration Boards;

(13) "NCEES" means the National Council of Examiners for Engineering and Surveying

(14) "petroleum engineering" means the branch of professional engineering that embraces studies or activities relating to the exploration, location, and recovery of natural fluid hydrocarbons, and the research, design, production, operations of devices, facilities of production, and the organizational and economic aspects of these studies and activities;

(15) repealed 9/30/78;

(16) repealed 9/30/78;

(17) "professional engineering" includes the branches of

(A) agricultural engineering;

(B) chemical engineering;

(C) civil engineering;

(D) control systems engineering;

(E) electrical engineering;

(F) environmental engineering;

(G) fire protection engineering;

(H) industrial engineering;

(I) mechanical engineering;

(J) metallurgical and materials engineering;

(K) mining and mineral processing engineering;

(L) naval architecture and marine engineering;

(M) nuclear engineering;

(N) petroleum engineering; (O) structural engineering;

(18) "professional work" means the time the applicant has been occupied in architecture, engineering, land surveying, or landscape architecture work of higher grade and responsibility than that of subprofessional work;

(19) "responsible charge of work in the field" means the oversight of, performance of, technical review of, or supervision of professional services, performed by employees or subcontractors, by a licensed professional, -as necessary to ensure that the services performed and/or completed project meets the standard-of-care for the profession and that reasonable care has been exercised to ensure the protection of public health, welfare, and safety, direction of work, the successful accomplishment of which rested upon the applicant, where the applicant has to decide questions of methods of execution and suitability of materials without relying upon advice or instructions from his superiors and where the applicant has to supply solutions to deficiencies in plans or has to correct errors in designs without first referring them to higher authority for approval, except where the approval is a matter of form;

(20) "responsible charge as it pertains to" "work in the office" means undertaking investigations or carrying out assignments, which demand resourcefulness and originality, or making plans, writing specifications, and directing drafting and computations for the design of architectural, engineering or land surveying work with only rough sketches, general information and field measurements for reference;

- (21) "state" means the State of Alaska;
- (22) "subprofessional work" means time spent working as rodman, chainman, recorder, draftsman, clerk of works, instrument man, inspector, or similar work where personal responsibility and technical knowledge are slight; (23) "specialty contractor" means the same as in AS 08.18.171;
- (24) "registration by comity" means registration by recognition of the applicant's credentials accepted by another jurisdiction;
- (25) "registrant" means an individual architect, engineer, land surveyor, landscape architect, corporation, limited liability company, or limited liability partnership, registered or issued a certificate of authorization under this chapter;
- (26) "A.S. degree" means an associate of science degree;
- (27) "B.S. degree" means a bachelor of science degree;
- (28) "M.S. degree" means a master of science degree;
- (29) repealed 5/25/2017;
- (30) "responsible control" means that amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered engineers, land surveyors, and landscape architects applying the required professional standard of care.
- (31) "CLARB" means Council of Landscape Architect Registration Boards;
- (32) "LAAB" means Landscape Architectural Accreditation Board;
- (33) "landscape architect" means a person registered as a professional landscape architect;
- (34) "agricultural engineering" means the branch of professional engineering that embraces studies and activities related to facility engineering of plant, animal, and commodity environments and structures; machinery involving power, electrical and electronic machines, controls and sensors; natural resource engineering involving soil, water and plant systems; process engineering involving food, feed, fiber, fuel products; and the organizational and economic aspects of these studies and activities;
- (35) "control systems engineering" means the branch of professional engineering that embraces studies and activities relating to sensor technologies and measurement; signals and transmission, final control elements regarding valves, pressure relieving devices, and other final control elements, control systems analysis and implementation; and the organizational and economic aspects of these studies and activities;
- (36) "environmental engineering" means the branch of professional engineering that embraces studies and activities relating to wastewater, storm water, potable water, and water resources; ambient air, emissions sources, and control strategies; solid, hazardous, and special waste; environmental assessments, remediation, and emergency response and applicable codes, standards, regulations, guidelines; and the organizational and economic aspects of these studies and activities;
- (37) "fire protection engineering" means the branch of professional engineering that embraces studies and activities relating to fire protection analysis, fire protection management, fire science and human behavior, fire protection systems, fire building systems, and the organizational and economic aspects of these studies and activities;
- (38) "industrial engineering" means the branch of professional engineering that embraces studies and activities relating to facilities engineering and planning involving facility requirements, design alternatives, material handling techniques and equipment, systems analysis and design including processes, costing and performance measurement, logistics including production planning and control, distribution and storage and warehousing methods, methods to measure work, workstation design and analysis, ergonomics and safety, quality engineering and control, and the organizational and economic aspects of these studies and activities;
- (39) "metallurgical and materials engineering" means the branch of professional engineering that embraces studies and activities relating to the production of metals, metal objects, materials, testing procedures, metal processing, failure analysis procedures and the development of metal alloys, the research, design, construction, and development of devices and facilities of production, and the organizational and economic aspects of these studies and activities;
- (40) "naval architecture and marine engineering" means the branch of professional engineering that embraces the studies and activities relating to the mechanics of rigid and deformable bodies, exterior loads on military, public, commercial or private vessels or marine facilities, structural designs, applications, and considerations, vibration considerations including local, vortex induced, flow induced, and global vibrations, intact and damaged hydrostatic stability, methods and procedures, dynamic stability in waves, hydrodynamics, wind and waves, hull forms and design, marine engineering involving thermodynamics, internal fluid flow, propulsion and power generators, machine design, HVAC/refrigeration and electrical systems, materials corrosion and corrosion control, navigation and vessel control, hull outfitting, weight engineering, shipbuilding and repair engineering, rules and regulations, human factors, and safety systems, and the organizational and economic aspects of these studies and activities;
- (41) "nuclear engineering" means the branch of professional engineering that embraces the studies and activities relating to nuclear power systems and science, nuclear components and systems, construction, operational regulations, emergency planning, licensing regulation, codes and standards, nuclear fuel and waste management, nuclear radiation, protection, radiation shielding, interaction of radiation with matter, nuclear criticality, kinetics, neutronics, and nuclear measurements and instruments, and the organizational and economic aspects of these studies and activities;

(42) "structural engineering" means the branch of professional engineering that embraces the studies and activities relating to the investigation, evaluation, analysis, design and construction of buildings, bridges, and other structures such as walls, columns, slabs, beams, trusses, or similar members requiring force-resisting and load bearing members and their connections, or similar members used singly or as a part of a larger structure, and the organizational and economic aspects of these studies and activities;

(43) "engineering surveys"

(A) means work performed by a professional engineer to measure and assess structures, machines, equipment, utility systems, materials, processes, and work public or private; (B) does not include the practice of land surveying.

(44) "significant structures" means

(A) hazardous facilities; in this paragraph, "hazardous facilities" means structures housing, supporting, or containing sufficient quantities of toxic or explosive substance to be of danger to the safety of the public if released;

(B) special occupancy structures; in this paragraph, "special occupancy structures" means

(i) buildings and other structures whose primary occupancy is public assembly with an occupant load greater than 300;

(ii) buildings and other structures containing an elementary school, secondary school, or day care facility with an occupant load greater than 250;

(iii) buildings and other structures containing adult education facilities, such as colleges and universities, with an occupant load greater than 500;

(iv) medical facilities with 50 or more resident, incapacitated patients;

(v) jails and detention facilities; and

(vi) all buildings or structures with an occupant load greater than 5,000;

(C) essential facilities that have a ground area of more than 4,000 square feet and are more than 20 feet in mean roof height above average ground level; in this paragraph "essential facilities" means

(i) hospitals and other medical facilities having surgery and emergency treatment areas; (ii) fire and police stations;

(iii) tanks or other structures containing, housing, or supporting water or fire suppression material or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

(iv) emergency vehicle shelters and garages;

(v) structures and equipment in emergency preparedness centers;

(vi) standby power-generating equipment for essential facilities;

(vii) structures and equipment in government communication centers and other facilities requiring emergency response;

(viii) aviation control towers, air traffic control centers, and emergency aircraft hangars; and

(ix) buildings and other structures having critical national defense functions;

(D) structures exceeding 100 feet in height above average ground level;

(E) buildings that are customarily occupied by human beings and are four stories or 45 feet or more above average ground level; and

(F) bridges having a total span of more than 200 feet and piers having a surface area greater than 10,000 square feet;

(45) "AXP" means the Architect Experience Program administered by NCARB and constitutes the record keeping system for verifying an intern-architect's fulfillment of the education and training standards established by NCARB.

(b) For purposes of this chapter, "department" means the Department of Commerce, Community, and Economic Development.

(c) For the purposes of AS 08.48.331(a)(14), "designing fire detection or suppression systems" includes those studies and activities related to the installation, maintenance, and inspection of those systems, including the direction of or the performance of fire protection systems surveys, consultation, investigation, evaluation, planning, and observations of construction and the organizational and economic aspects of those studies and activities.

<b>Authority:</b>	AS 08.48.101	AS 08.48.181	AS 08.48.331
	AS 08.48.171	AS 08.48.191	

**Chapter 36. State Board of Registration for Architects,  
Engineers, and Land Surveyors.**

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 36.510 is amended to read:

**12 AAC 36.510. Continuing education requirements.** (a) Unless exempted under

12 AAC 36.530, a licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] must meet the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 as a condition of the renewal, reinstatement, or reactivation of the licensee's [THE PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] registration.

(b) Unless exempted under 12 AAC 36.530, a licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] seeking renewal, reinstatement, or reactivation of the licensee's [A PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] registration shall submit, on a form provided by the department, a certification that the licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] has met the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550.

(c) To renew a professional architect, engineer, land surveyor, or landscape architect registration, a licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] must obtain a minimum of 24 professional development hours during the 24 months immediately preceding that registration period.

(d) To reinstate a lapsed professional architect, engineer, land surveyor, or landscape architect registration, a licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] seeking reinstatement must obtain a minimum

**Commented [MJC(1)]:** The board is proposing to simplify and streamline the CE regulations and allow for more flexibility with regards to what activities will be allowed to count for CEs. The board wants to allow for more activities to count as a professional development hour for registrants; more options for allowable CE activities.

**Commented [DHC(2R1)]:** This is a good idea. The board's statute gives it wide latitude to do this. See my comments.

Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

of 24 professional development hours during the 24 months immediately preceding the application for reinstatement of **the licensee's** [THE PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] registration **unless the licensee meets the requirements of 12 AAC 36.530(e) and obtains eight professional development hours during the 24 months immediately preceding the application for reinstatement of the licensee's registration.**

(e) **Repealed** \_\_\_\_ / \_\_\_\_ / \_\_\_\_ [A PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT WHO OBTAINS MORE PROFESSIONAL DEVELOPMENT HOURS DURING A BIENNIAL REGISTRATION PERIOD THAN NEEDED TO QUALIFY FOR RENEWAL OR REINSTATEMENT OF THE PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT REGISTRATION MAY APPLY UP TO 12 OF THE EXCESS PROFESSIONAL DEVELOPMENT HOURS TO THE CONTINUING EDUCATION REQUIREMENT FOR THE SUBSEQUENT BIENNIAL PERIOD FOR PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT REGISTRATION].

(f) A professional architect, engineer, land surveyor, or landscape architect holding multiple registrations in the state is required to earn at least the minimum number of professional development hours of continuing education as those required for a single registration holder. [HOWEVER, AT LEAST EIGHT HOURS OF THE PROFESSIONAL DEVELOPMENT HOURS MUST BE IN EACH REGISTRATION HELD.]

(g) Continuing education courses or activities are not pre-approved by the board, but must **be in technical and professional subjects related to the scope of practice of the licensee** [MEET THE FOLLOWING CRITERIA:

(1) THE SUBJECT MATTER MUST ADDRESS THE PUBLIC'S HEALTH,

SAFETY, AND WELFARE BY INSTRUCTING IN THE PROPER PLANNING AND DESIGN IN THE AREA OF THE REGISTRANT'S REGISTRATION OR DISCIPLINE, FOR THE CONSTRUCTION OF BUILDINGS, STRUCTURES, INFRASTRUCTURE, OR THE SPACES WITHIN AND SURROUNDING SUCH FACILITIES, PRESERVATION AND ENHANCEMENT OF LAND USE AND NATURAL LAND FEATURES, MEASURING AND LOCATING LAND FOR PROPERTY BOUNDARIES, PLATTING, PLANNING AND DESIGN OF SUBDIVISIONS, OR THE PREPARATION AND PERPETUATION OF MAPS OR RECORD PLATS SO THAT GENERALLY

(A) RISK OF INJURY TO PERSONS OR PROPERTY IS MINIMIZED;

(B) THE RESULTS ARE DURABLE AND ENVIRONMENTALLY FRIENDLY;

(C) THE RESULTS FUNCTION PROPERLY IN ALL RELEVANT RESPECTS; OR

(D) THE RESULTS ENHANCE THE GENERAL WELFARE OF THE PUBLIC;

(2) THE COURSE OR ACTIVITY MUST BE RELEVANT TO THE PRACTICE OF PROFESSIONAL ARCHITECTURE, ENGINEERING, LAND SURVEYING, OR LANDSCAPE ARCHITECTURE, AND MAY INCLUDE TECHNICAL, ETHICAL, OR MANAGERIAL CONTENT;

(3) THE COURSE OR ACTIVITY MUST BE DESIGNED TO MAINTAIN, IMPROVE, OR EXPAND PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT SKILLS AND KNOWLEDGE;

(4) EACH COURSE OR ACTIVITY MUST BE WELL ORGANIZED AND THE CONTENT PRESENTED IN A SEQUENTIAL MANNER; AND



Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

(5) THE PRESENTATION MUST BE MADE BY PERSONS WHO ARE WELL QUALIFIED IN THE SUBJECT BY EDUCATION OR EXPERIENCE IN THE SUBJECT].

(h) **Repealed** \_\_\_\_/\_\_\_\_/\_\_\_\_ [THE SPONSORING ORGANIZATIONS THAT PROVIDE CONTINUING EDUCATION MAY BE AN EDUCATIONAL INSTITUTION, A PROFESSIONAL ASSOCIATION, OR A BUSINESS OR GOVERNMENTAL ORGANIZATION. SPONSORING ORGANIZATION'S CONTINUING EDUCATION THAT SATISFIES THE REQUIREMENTS OF THIS SECTION INCLUDES THE PROFESSIONAL ARCHITECT'S, ENGINEER'S, LAND SURVEYOR'S OR LANDSCAPE ARCHITECT'S

(1) SUCCESSFUL COMPLETION OF COLLEGE COURSES;

(2) SUCCESSFUL COMPLETION OF CONTINUING EDUCATION COURSES;

(3) SUCCESSFUL COMPLETION OF SHORT COURSES, TUTORIALS, CORRESPONDENCE, WEB-BASED COURSES, AND TELEVISED OR VIDEOTAPED COURSES;

(4) ATTENDING SEMINARS, IN-HOUSE WORKSHOPS, OR PROFESSIONAL OR TECHNICAL PRESENTATIONS AT MEETINGS, CONVENTIONS, OR CONFERENCES;

(5) AUTHORIZING PUBLISHED PAPERS, ARTICLES, OR BOOKS;

(6) SERVING AS AN OFFICER OR ACTIVELY PARTICIPATING IN A COMMITTEE OF PROFESSIONAL OR TECHNICAL SOCIETIES; AND

(7) TEACHING OR INSTRUCTING THE ACTIVITIES LISTED IN (1) – (4) OF THIS SUBSECTION].

(i) A **licensee** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] who also holds a registration as a professional architect, engineer,

land surveyor, or landscape architect in another licensing jurisdiction may meet the requirements of 12 AAC 36.510 – 12 AAC 36.550 by establishing that the **licensee** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] has met the mandatory continuing education requirements for renewal of the professional architect, engineer, land surveyor, or landscape architect registration in the other licensing jurisdiction, if the mandatory continuing education requirements of the other jurisdiction are substantially similar to or exceed those of 12 AAC 36.510 – 12 AAC 36.550 at the time that continuing education credit is claimed.

(j) To reactivate a retired professional architect, engineer, land surveyor, or landscape architect registration, a professional architect, engineer, land surveyor, or landscape architect seeking reactivation must obtain 24 professional development hours during the 24 months immediately preceding the application for reactivation of the professional architect, engineer, land surveyor, or landscape architect registration **unless the licensee meets the requirements of 12 AAC 36.530(e) and obtain eight professional development hours during the 24 months immediately preceding the application for reinstatement of the licensee's registration.**

(k) If an applicant for renewal of an architect, engineer, land surveyor, or landscape architect registration fails to meet the continuing education requirements of (c) of this section on or before December 31st of the current biennium, the applicant may request an extension to complete the required professional development hours. This extension does not function as a license extension and the registrant cannot practice during this period. The applicant must

(1) submit a completed application for biennial registration renewal on a form provided by the department;

(2) pay the biennial registration renewal and continuing education extension fees established in 12 AAC 02.110;

Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

(3) complete the required professional development hours before the first January 31st of the new biennium; and

(4) submit a continuing education audit form with documentation, acceptable to the board, showing completion of the required continuing education. (Eff. 10/18/2007, Register 184; am 7/12/2008, Register 187; am 7/13/2011, Register 199; am 9/11/2015, Register 215; am 10/31/2019, Register 232; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.48.071 AS 08.48.101 AS 08.48.341

12 AAC 36.520 is amended to read:

**12 AAC 36.520. Computation of continuing education credit.** (a) The board has final authority with respect to the acceptance of courses, activities, credits, professional development hour values, and other methods of earning continuing education credits. Continuing education credit is computed as follows:

**Commented [MJC(3):** The proposed regulations clarifies the computation of CE credits. It also adds in the computation of credits for the new allowable activities. The board wants to allow more activities to count as a professional development hour for registrants. More options for allowable CE activities and simplifies and clarifies the computation of those activities.

(1) Credit for college approved courses is based upon course credit established by the college and contingent upon receipt of a passing grade. For college approved courses,

**(A) one unit of college semester credit equals 45 professional development hours;**

**(B) one unit of college quarter credit equals 30 professional development hours;**

(2) Credit for qualifying courses or activities is based on one professional development hour for each hour of attendance [SEMINARS, IN-HOUSE WORKSHOPS, AND PROFESSIONAL OR TECHNICAL PRESENTATIONS IS BASED ON ONE PROFESSIONAL DEVELOPMENT HOUR FOR EACH HOUR OF ATTENDANCE AT THE SEMINAR, IN-HOUSE WORKSHOP, OR PROFESSIONAL OR TECHNICAL

**Commented [DHC(4):** This is confusing. Since "seminars, in-house workshops . . . ." is being deleted, it is not clear right away that this is about other kinds of courses, besides college courses. Consider inserting after "activities" something like "including seminars, in-house workshops, and other professional presentations."

PRESENTATION];

(3) for teaching under (a)(1) and (2) of this section, apply a multiple of two,  
full time faculty may not claim teaching credit associated with the licensee's regular duties  
[ATTENDANCE AT QUALIFYING PROGRAMS PRESENTED AT PROFESSIONAL AND  
TECHNICAL SOCIETY MEETINGS, CONVENTIONS, OR CONFERENCES EARNS ONE  
PROFESSIONAL DEVELOPMENT HOUR FOR EACH HOUR OF ATTENDANCE AT THE  
PROGRAM];

**Commented [DHC(5)]:** This needs to be re-written. The board can give it a try or let the LRLR editors have a shot at it. Even tho this is a program for people who are good at math, it is not a good idea to let licensees do their own calculations. I would say something really simple like "each hour of teaching equals two hours credit toward . . ."

(4) credit for published papers, articles, or books is

(A) based on one professional development hour for each hour of  
professional preparation of the paper, article, or book;

(B) based on one professional development hour for each hour of  
technical or peer review of the paper, article, or book [DETERMINED BY THE  
PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE  
ARCHITECT; AND]

**Commented [DHC(6)]:** How is this different from professional preparation in (A)? Do you really need (B)?

(C) repealed \_\_\_\_ / \_\_\_\_ / \_\_\_\_ [SUBJECT TO REVIEW AND  
APPROVAL BY THE BOARD UNDER THE STANDARDS SET OUT IN 12 AAC  
36.510 – 12 AAC 36.550];

(5) up to eight hours annually may be credited [CREDIT] for participation  
[PARTICIPATING] in each professional and technical organization [SOCIETIES]. Credit may  
be claimed for a year of service as an officer or in active participation in a committee of the  
organization [SOCIETY], based on one professional development hour for every two hours of  
service or participation in each organization; [PROFESSIONAL DEVELOPMENT HOUR  
CREDITS UNDER THIS PARAGRAPH ARE EARNED AT THE END OF EACH FULL  
YEAR OF SERVICE OR PARTICIPATION.]

**(6) up to 10 professional development hours for each patent awarded;**

**(7) up to 8 professional development hours annually ~~may be credited by~~ for successfully completing a course or activity that has content areas focusing on ethics or business-related activity, improving a licensee's business practice or operations, or advancing professionally related skills and practices as applicable to the practice of the licensee. An ethics or business-related course or activity earns one professional development hour for each hour of attendance;**

**Commented [DHC(7)]:** Is this really necessary? It seems duplicative of the first part of the paragraph.

**(8) credit for outreach activities earns one professional development hour for each hour of activity the licensee completes;**

**(9) up to four hours annually may be credited for structured self-study in the subject for which the licensee holds a registration;**

**(10) no more than 12 professional development hours may be claimed on a single calendar day;**

**(11) fractions of hours are rounded down to the nearest half hour.**

(b) **Repealed** \_\_\_\_ / \_\_\_\_ / \_\_\_\_ [THE COMPUTATION OF CREDITS OF PROFESSIONAL DEVELOPMENT HOURS IS AS FOLLOWS:

(1) ONE UNIT OF COLLEGE SEMESTER CREDIT EQUALS 45 PROFESSIONAL DEVELOPMENT HOURS;

(2) ONE UNIT OF COLLEGE QUARTER CREDIT EQUALS 30 PROFESSIONAL DEVELOPMENT HOURS;

(3) ONE CONTINUING EDUCATION UNIT OF PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT CONTINUING EDUCATION EQUALS 10 PROFESSIONAL DEVELOPMENT HOURS;

(4) ONE HOUR OF A SEMINAR, IN-HOUSE WORKSHOP, OR

Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

PROFESSIONAL OR TECHNICAL PRESENTATION ATTENDED AT MEETINGS, CONVENTIONS, OR CONFERENCES EQUALS ONE PROFESSIONAL DEVELOPMENT HOUR;

(5) ONE HOUR OF INITIAL INSTRUCTION OF THE SUBJECT MATTER WHEN TEACHING PROFESSIONAL DEVELOPMENT COURSES, SEMINARS, OR PROFESSIONAL OR TECHNICAL PRESENTATIONS EQUALS TWO PROFESSIONAL DEVELOPMENT HOURS; THIS PROVISION DOES NOT APPLY TO FULL-TIME FACULTY;

(6) UP TO 10 PROFESSIONAL DEVELOPMENT HOURS PER BIENNIAL REGISTRATION PERIOD MAY BE CLAIMED FOR A PUBLISHED PAPER, ARTICLE, OR BOOK, BASED ON THE AMOUNT OF TIME AND EFFORT REQUIRED TO PRODUCE THE PAPER, ARTICLE, OR BOOK;

(7) FOR SERVING AS AN OFFICER OR ACTIVELY PARTICIPATING IN A COMMITTEE OF PROFESSIONAL AND TECHNICAL SOCIETIES, UP TO EIGHT PROFESSIONAL DEVELOPMENT HOURS PER YEAR MAY BE CLAIMED FOR EACH PROFESSIONAL OR TECHNICAL SOCIETY.] (Eff. 10/18/2007, Register 184; am 7/12/2008, Register 187; am 7/13/2011, Register 199; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.48.071 AS 08.48.101

12 AAC 36.530 is amended to read:

**12 AAC 36.530. Exemptions.** (a) A professional architect, engineer, land surveyor, or landscape architect is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 for the first biennial registration renewal period following initial issuance of the professional architect, engineer, land surveyor, or landscape architect registration.

**Commented [MJC(8):** The proposed regs simplifies language by referring to professional architect, engineer, land surveyor, or landscape architect as "licensee". Also adds a partial exemption for those that have practiced for 30 or more consecutive years. The board wants to recognize those that have been practicing for 30 or more consecutive years and allow to only have to complete 8 hours per renewal cycle.

(b) A licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 for renewal of the professional architect, engineer, land surveyor, or landscape architect registration for the biennial registration period immediately following a period of service by the licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] on active duty in the armed forces of the United States exceeding 120 consecutive days within a 12-month period.

(c) A licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] who is in retired status under 12 AAC 36.115 is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 during the time the licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] is retired, ~~except that. A~~ retired licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] who wishes to return to active practice as a professional architect, engineer, land surveyor, or landscape architect must meet the requirements of 12 AAC 36.115, including continuing education requirements applicable under 12 AAC 36.510(j).

(d) A licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] may request an exemption from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 by submitting a written request to the board that describes the reasons for the request and includes supporting documentation. If the board finds good cause, the board will grant an exemption under this subsection to a licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] who is experiencing a physical disability, serious illness, family emergency, or other extenuating circumstance.

**Commented [DHC(9)]:** The two sentences of this paragraph are inconsistent. If the retired licensee wants to get back in the game, they have to meet the requirements of 12 AAC 36.510(j). Consider the inserted language as a way to fix this. LRLR may have a different solution, but you can't say the retired person has to meet (j) after saying they are exempt during the time they were retired.

Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

**(e) A professional architect, engineer, land surveyor, or landscape architect is partially exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 if they have practiced as a professional architect, engineer, land surveyor, or landscape architect for a duration of 30 or more consecutive years in a NCEES, NCARB, or CLARB recognized jurisdiction. They must complete 8 hours per renewal cycle.** (Eff.

10/18/2007, Register 184; am 7/12/2008, Register 187; am 7/13/2011, Register 199; am \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.48.071 AS 08.48.101

12 AAC 36.540 is amended to read:

**12 AAC 36.540. Record keeping and review of records.** (a) A professional architect, engineer, land surveyor, or landscape architect shall maintain records that may be used to verify professional development hours claimed under 12 AAC 36.510 – 12 AAC 36.550. These required records include

(1) a log showing the course or activity claimed, the sponsoring organization, the [LOCATION AND] duration of the course or activity, the **activity title and description of content** [NAME OF THE SPEAKER OR INSTRUCTOR, AND THE UNIT OF CREDIT OR NUMBER OF PROFESSIONAL DEVELOPMENT HOURS EARNED]; and

(2) **a board-approved continuing education structured report for publishing, teaching, presenting, active participation in professional and technical societies, in-house programs, patents, outreach activities, and structured self-study** [ATTENDANCE VERIFICATION RECORDS IN THE FORM OF COMPLETION CERTIFICATIONS, SIGNED ATTENDANCE RECEIPTS, RECEIPTS FOR THE PAYMENT OF TUITION OR FEES, A COPY OF A LIST OF PARTICIPANTS SIGNED BY THE SPEAKER OR

**Commented [DHC(10)]:** 8 hours of what?

Also, this whole section should probably be moved up to the beginning of the sections on CE, so persons to whom it applies can know right away whether they are exempt and what they must do to meet the reduced requirements.

**Commented [MJC(11)]:** The proposed regs will simplify and clarify the documentation that has to be submitted if a registrant is randomly selected for the CE audit.



Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

INSTRUCTOR, OR SIMILAR DOCUMENTS SHOWING EVIDENCE OF ATTENDANCE].

(b) Records required under (a) of this section must include sufficient detail to permit verification during an audit, and must be maintained for at least four years from the date that the course or activity was completed.

(c) The board may request at any time that a licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] provide proof of compliance with the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550. A licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] must provide a copy of the records required under (a) of this section to the board not [NO] later than 30 days after receipt of a request for the records.

(d) Audits of compliance of licensee [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] continuing education requirements will be conducted in accordance with 12 AAC 02.960. (Eff. 10/18/2007, Register 184; am 7/13/2011, Register 199; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.48.071 AS 08.48.101

12 AAC 36.550 is amended to read:

**12 AAC 36.550. Definitions.** In 12 AAC 36.500 – 12 AAC 36.550, unless the context requires otherwise,

(1) “college” includes a community college and a university;

(2) “continuing education unit” means a unit of credit customarily used for continuing education courses. One continuing education unit equals 10 contact hours in an approved continuing education course [UNIFORM UNIT OF MEASURE FOR CONTINUING EDUCATION AND TRAINING ESTABLISHED BY A NATIONALLY

**Commented [MJC(12):** Clarifies existing definitions and add definitions for new terms used in 12 AAC 36.

Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

RECOGNIZED PROFESSIONAL OR TECHNICAL SOCIETY ACCEPTABLE TO THE BOARD];

(3) “qualifying course or activity” means a course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee’s field of practice. Regular duties are not considered qualified activities [UNIT OF INSTRUCTION

(A) WITH A CLEAR PURPOSE AND OBJECTIVE TO MAINTAIN, IMPROVE, OR EXPAND THE SKILLS AND KNOWLEDGE RELEVANT TO THE PRACTICE OF A PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT; AND

(B) THAT MEETS THE REQUIREMENTS OF 12 AAC 36.510];

(4) ~~repealed~~ \_\_\_\_/\_\_\_\_/\_\_\_\_ [“IN-HOUSE WORKSHOP” MEANS A SEMINAR, PROGRAM, OR TRAINING SESSION PRESENTED BY A PROFESSIONAL WITH EXPERTISE IN THE FIELD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, OR LANDSCAPE ARCHITECTURE];

(5) “professional development hour” means not less than 50 minutes of instruction or presentation in a continuing education course or activity that meets the requirements of 12 AAC 36.510;

(6) “ethics or business-related course or activity” means a qualifying course or activity with content areas related to

(A) awareness of ethical concerns and conflicts;

(B) ~~an enhanced~~ familiarity with the codes of conduct;

(C) ~~an understanding of standards of practice or care;~~

(D) project management and risk-management; or

Register \_\_\_\_\_, \_\_\_\_\_ 2023 PROFESSIONAL REGULATIONS

**(E) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee's field and methods of practice;**

**(7) "outreach activity" includes active participation in educational outreach activities pertaining to professional licensure or the architecture, engineering, land surveying, or landscape architecture professions that involve K-12 or higher education students;**

**(8) "licensee" means a professional architect, engineer, land surveyor, or landscape architect registered under this chapter;**

**(9) "structured self-study" means time spent engaging in self-guided professional development.** (Eff. 10/18/2007, Register 184; am 7/12/2008, Register 187; am 7/13/2011, Register 199; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.48.101 AS 08.48.341

# Digital Signatures

12 AAC 36.185 Regulation Project

# 12 AAC 36.185. USE OF SEALS.

(a) A registrant may

- (1) not sign or seal a drawing or document dealing with professional services in which the registrant is not qualified to sign or seal by virtue of education, experience, and registration;
- (2) approve and seal only design documents and surveys that are safe for public health, property, and welfare in conformity with accepted architecture, engineering, land surveying, and landscape architecture standards in Alaska;
- (3) seal only final drawings, surveys, reports, and required construction documents for which the registrant is qualified to seal and for which the registrant claims responsibility;
- (4) not knowingly allow the use of his or her seal by another person on a document that the registrant has neither prepared nor reviewed personally;
- (5) not use the seal or a reproduction of the seal of another registrant on a document, regardless of the intended use of the document;
- (6) not sign a name other than his or her own name over a seal, and may not forge the signature of the individual to whom the seal was issued by the board; and
- (7) not sign or seal drawings, documents, or other professional work for which the registrant does not have direct professional knowledge and direct supervisory control.

(b) If portions of drawings, documents, or other professional work are prepared by other registered professionals, a registrant may seal only that portion of the work for which the registrant has direct professional knowledge and direct supervisory control.

(c) Repealed 10/31/2019.

(d) The registrant shall include the date each time the registrant signs and seals a document by electronically or manually inserting the date within the seal or within two inches of the seal.

(e) The registrant, by sealing final drawings, takes responsibility for related discipline specifications included in the final drawings, unless under AS 08.48.221 the registrant certifies on the face of the document the extent of the registrant's responsibility.

(f) An electronic image of a signature may be used on the seal if the registrant or the owner of the documents retains an original copy of the documents, accessible for later reference, that has either

- (1) an original hand signature over the seal; or
- (2) software in place that will automatically remove or modify the electronic image of the signature if the document is modified.

(g) The registrant shall include on all documents that are required to be signed and sealed

- (1) its business name, physical address, and telephone number;
- (2) the project name or identification;
- (3) the project address or location; and
- (4) the certificate of authorization number issued to the corporation, limited liability company, or limited liability partnership to practice architecture, engineering, land surveying, or landscape architecture, if applicable

# 12 AAC 36.185. USE OF SEALS. (f)

(f) An electronic image of a signature may be used on the seal if the registrant or the owner of the documents retains an original copy of the documents, accessible for later reference, that has either

- (1) an original hand signature over the seal; or
- (2) software in place that will automatically remove or modify the electronic image of the signature if the document is modified.

(f) A sealed document(s) shall have either:

(1) an original handwritten signature over each seal

(2) an electronic image of the handwritten signature and a digital signature that together represent the act of the registrant attesting to the seal's validity.

(a) The electronic image must be permanently affixed to each seal in the document(s) directly over the seal of the registrant;

(b) The digital signature must be:

(1) Unique to the registrant using it;

(2) Capable of verification;

(3) Under the exclusive control of the registrant using it; and

(4) Linked to a document in such a manner that the digital signature is invalidated if the document is changed.

(j) Sealed documents shall be retained by the registrant or the owner of the document(s) and accessible for later reference.

# 12 AAC 36.040 SIMPLIFIED APPLICATION FOR REEXAMINATION.

(a) Except as provided in (c) of this section, an applicant who has failed an examination may apply for reexamination by written notice to the board, accompanied by the required examination fee, if applicable, stating that the applicant wishes to take the next examination to be offered for the profession for which the applicant has applied. The board will approve an applicant for the next applicable examination, as follows:

- (1) NCEES Principles and Practices of Engineering Examination and the NCEES Principles and Practices of Surveying Examination, as follows:
  - (A) for the spring April examination, the filing deadline for the written notice to the board for reexamination is five days before the examination registration deadline set by NCEES;
  - (B) for the fall October examination, the filing deadline for the written notice to the board for reexamination is five days before the examination registration deadline set by NCEES;
- (2) Alaska Land Surveying Examination (AKLS) to be held at least 45 days after receipt of the applicant's written notice;
- (3) repealed 5/4/2013.

(b) Repealed 5/4/2013.

(c) An applicant may apply for reexamination under (a) of this section no more than four times within the five years after the date that the board approved the applicant's original application for examination. An applicant shall apply under 12 AAC 36.010 if the applicant has not passed the examination after five attempts or within five years after the date that the board approved the applicant's original application for examination, whichever comes first. This subsection does not apply to an applicant for reexamination for the Alaska Land Surveying (AKLS) examination.

(A) An Applicant who has failed an examination may apply for reexamination as follows:

- (1) repealed
- (2) An applicant for the Alaska Land Surveying Examination (AKLS) may apply for reexamination by written notice to the board, accompanied by the required examination fee, stating that the applicant wishes to take the next examination to be offered. The board may approve an applicant for the next applicable examination to be held at least 45 days after receipt of the applicant's written notice.

(B) repealed

(C) repealed

# BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND LAND SURVEYORS

## POLICIES AND HISTORICAL INFORMATION

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### I. HISTORY

Alaska began registering architects, engineers and land surveyors in 1949. Engineers with verified land surveyor work experience were also granted a land surveyor registration. In 1972, a new practice act was established for land surveyors. Until 1973 the practice act allowed engineers to apply for a land surveyor registration based on their practice. Alaska began registering landscape architects in 2000. Alaska expanded the registered branches of engineering to 15 in 2012.

Alaska began administering national exams as follows:

NCARB Architect Registration Examination (ARE) .....	1963
NCEES Fundamentals of Engineering (FE) (8 hr.) .....	April 1966
NCEES Principles and Practices of Engineering (PE) (8 hr) .....	April 1967
NCEES Fundamentals of Land Surveying (FS) (8 hr) .....	April 1974
NCEES Professional Land Surveying (4 hours) .....	April 1974
NCEES Professional Land Surveying Public Domain (3 hours) .....	April 1987
NCEES Professional Land Surveying (PS) (6 hours) - combined .....	October 1992
CLARB Landscape Architect Registration (LARE) .....	2000

NCEES 16-Hour Structural Exam (SE) (16 hr)...April 2011

NCEES Principles and Practices of Structural Engineering (PE) - 2024

Prior to these dates for national exams by NCARB and NCEES, state exams were used in Washington, Oregon, Idaho and California. Alaska used the same 'state specific' PE and PS exams. The first engineering exam administered in Alaska was given by the University of Alaska in College (Fairbanks) in 1953. Before 1953, engineers were registered based on education and work experience.

### II. GENERAL BOARD POLICIES

- A. Election of Officers - The board elects members to serve as chair, vice-chair, and secretary at the first regularly scheduled meeting of each calendar year, or as needed due to vacancies.
- B. Voting – All permanent board members, including the chair, are entitled to vote on all matters that come before the board, but a conflict of interest may cause a member to abstain. Temporary, non-voting members may not vote but otherwise may fully participate in meetings.
- C. Communications – Board members may use a ListServe or email to communicate between meetings according to Alaska's Open Meetings Act.
- D. Emeritus Status – The board may nominate outgoing and former board members for Emeritus Status when the former board member notifies the board they will be serving on a NCEES, NCARB, or CLARB committee.
- E. Investigations – The board adopted a "Board Investigative Review Committee" at its February 2006 meeting whereby two board members will meet monthly or as necessary with the board's investigator to determine merit and disposition of complaints. At the May 2012 meeting the Board adopted a policy that former Board Members could be called on for this service at the discretion of the Investigator.
- F. Date on Sealed Documents – The board adopted a policy to define "close proximity" in 12 AAC 36.185(d) as within two inches of the seal.
- G. Public notice policy – the board adopted a policy at its May 2008 meeting to explain, if warranted, for proposed changes to regulations to accompany the public notice.
- H. Definition of Health, Safety & Welfare - the board adopted the following definition at its February 2009 meeting: "Health, Safety and Welfare means the safeguarding of the public's life, traditional values and expectations by registrants through their constant application of sound judgment, ethical management and proper execution employing "Best Practices" during the performance of their professional duties."



- I. Corporations selling or offering to sell pre-engineered structures or parts of structures shall be considered offering professional services in the State of Alaska per AS 08.48.241 and 12 AAC 36.232 and are required to be registered as a professional corporation in the state.

(Rev. 12/12/2022)

### III. BOARD MISSION STATEMENT

The board's mission is to protect the public health, safety, and welfare through the regulation of the practice of architecture, engineering, land surveying, and landscape architecture by:

- ensuring that those entering these professions in this state meet minimum standards of competency, and maintain such standards during their practice; and
- enforcing both the licensure and competency requirements in a fair and uniform manner.

### IV. APPLICATION REVIEW POLICIES

#### A. Work Experience

1. If an applicant initially became registered in a jurisdiction that required less work experience than Alaska, passed an acceptable equivalent exam, and gained experience AFTER initial licensure that meets Alaska's current minimum requirement, the board may consider approving the application by comity.
2. To meet Alaska's requirements, exam candidates may project their anticipated work experience up to the date of the exam. The board does not project responsible charge experience.  
12 AAC 36.067. DATE OF EXPERIENCE. Computation of qualifying experience for admission to the examination as an architect, engineer, land surveyor, or landscape architect is up to the date of exam.  
The board may require that an applicant submit an updated employment verification or letter from present employer before the exam date.
3. Credit for engineer or land surveyor experience BEFORE obtaining a degree shall be based on work experience verifications submitted and evaluated on a case-by-case basis. Education and work experience may not be accumulated concurrently. Note: A maximum of 12 months' credit may be claimed for a calendar year (12 AAC 36.062(b), 12 AAC 36.063(e), 12 AAC 36.064(b), 12 AAC 36.065(f), 12 AAC 36.068(d)).
4. Architect by comity applicants, if initial registration was obtained in another jurisdiction after January 1, 1990, must have completed the NCARB Experience program and submit NCARB verification (12 AAC 36.103).
5. Other Work Experience Issues:  
Other verified work experience or questionable experience requires a full board review and the board may require more information.

#### B. Examinations

1. All NCEES, CLARB, or NCARB exams are considered as acceptable to meet minimum qualifications for exam under 12 AAC 36.100 for architects, engineers, landscape architects, and land surveyors.
2. EQUIVALENT exams:
  - a. Fundamentals of Engineering: NCEES and its equivalent (Alaska offered a state specific exam prior to April 1966 when Alaska began offering the NCEES exam).
  - b. PE: NCEES and its equivalent (Alaska offered a state specific exam prior to April 1966 when Alaska began offering the NCEES national exam).PS, 6 hours: NCEES. (Texas exam is NOT acceptable.)
  - c. SE Exams:
    - 1 NCEES PE Structural Examination (formerly 16-hour NCEES Structural Examination)
    - 2 NCEES Structural II and Washington or California Structural III Examinations – passed before 2011
    - 3 NCEES Structural I and NCEES Structural II – passed before 2006
    - 4 Western States 16-hour Structural Examination – passed before 2004

(Rev. 12/12/2022)

3. A registrant whose registration has been lapsed for five years or more may reinstate the registration by completing the form "Reinstatement for Expired Registration", paying the current registration fee, and renewing continuing education requirements. If an applicant was originally registered in Alaska by exam before April 1967, or in another state that did not offer the national examinations, the board has the discretion to not require the applicant to take the current national examinations. The board may require retesting for registrants who have had disciplinary action. (12 AAC 36.165)
4. 12 AAC 36.105(d) is interpreted to mean a non-NCEES examination.
5. 12 AAC 36.105(b) is interpreted to mean an engineer by comity must have passed the NCEES exam in the same discipline of their application.
6. The exam referenced in 12 AAC 36.105(d)(1) must be in the same discipline for which the applicant is applying.

C. Education

1. Engineering and/or land surveying exam candidates

- a. The board shall follow the requirements for education credit as outlined in the regulations for FE (formerly the EIT), PE (except as outlined in sub-paragraph 1 below), SE, FS (was formerly the LSIT), and PS exam applicants, (12 AAC 36.062, 12 AAC 36.063, 12 AAC 36.064, 12 AAC 36.065)
  - i. The following alternative ABET accredited engineering degree programs are considered equivalent to the full engineering education allowance for an ABET Accredited Degree Program in the licensed discipline as given in 12 AAC 36.063(3)(B) if the college transcript shows a minimum of 18 credit hours in 300 level or greater coursework related to the desired license discipline. In addition, the work experience verification must show involvement in the work of that discipline.

<u>Discipline</u>	<u>ABET degree program</u>	<u>Alternative ABET engineering degree program</u>
Agricultural (AG)	Agricultural Engineering	Civil Engineering
Chemical (EC)	Chemical Engineering	-
Civil (CE)	Civil Engineering	Construction Engineering, Geological Engineering, Mining Engineering, Architectural Engineering
Control Sys (CS)	-	Architectural Engineering, Electrical Engineering, Mechanical Engineering
Electrical (EE)	Electrical Engineering	Architectural Engineering
Environmental (EV)	Environmental Engineering	Civil Engineering
Fire Protection (FP)	Fire Protection Engineering	Architectural Engineering, Electrical Engineering, Mechanical Engineering
Industrial (IN)	Industrial Engineering	-
Mechanical (ME)	Mechanical Engineering	Architectural Engineering
Metallurgical and Materials (MM)	Metallurgical Engineering	-
Mining and Mineral Processing (EM)	Mining & Mineral Processing Engineer	Civil Engineering, Geological Engineering
Naval Architecture and Marine (NM)	Naval Architecture & Marine Engineering	-
Nuclear (NU)	Nuclear Engineering	-
Petroleum (EP)	Petroleum Engineering	-
Structural (SE)	-	Architectural Engineering, Civil Engineering

- b. If degree was earned over a period of more than four years, and the applicant was working at the same time, the board will review the transcripts, comparing work experience verifications and assign calendar years/months for education credits and work experience gained while in college. (12 AAC 36.063(e))

- c. If a person worked full time and attended college simultaneously and obtained a degree after six years, the board will not give the applicant any work experience credit beyond two years.
- d. In 12 AAC 36.064 and .065, coursework in land surveying – no degree (minimum of two years credit hours), means 30 credit hours of core surveying courses and 30 credit hours of professional development courses.
- e. If a person applies for the Fundamentals of Land Surveying Examination before July 1, 2014 and meets 75% of the requirements of one of the Classifications listed under “12 AAC 36.064.(2)(A) – Table A of Education and Work Experience Requirements for Fundamentals of Land Surveying Examination” that person will be considered in the system and allowed to use “12 AAC 36.065.(2)(A) – Table A of Education and Work Experience Requirements for Professional Land Surveyors” for a period up to five years beyond July 1, 2014.

## 2. Architectural Exam Candidates

First time architectural registrants applying to take the exam for registration in Alaska shall have an NAAB degree or meet NCARB alternative education standards. Documentation of alternative standards shall be as recommended and accepted by NCARB (per the current NCARB Education standard publication) (12 AAC 36.060)

## D. Cold Regions Design

Cold Regions Design courses are approved by the Board.

The following are approved courses:

- 1. University of Washington: Cold Regions Engineering Short Course.
- 2. University of Alaska Anchorage:
  - i. UAA Arctic Engineering - CE A603 (semester web-based course)
  - ii. UAA Arctic Engineering – ES AC030 (web-based short course)
  - iii. UAA Northern Design Course – ES A411 (semester course)
  - UAA Arctic Engineering – CE A403 (semester web-based course)
  - v. UAA Introduction to Arctic Engineering – ES AC031 (short course)
- 3. University of Alaska Fairbanks:
  - i. UAF Arctic Engineering - CE 603 (semester course).
  - ii. UAF Arctic Engineering - CE 603 (web-based semester course).

## E. Council Records

- 1. Applicants for architect registration by comity may submit a completed NCARB Council Certificate with the application. (12 AAC 36.103)
- 2. Engineer applicants may submit a council record issued by the National Council of Examiners for Engineers and Surveyors (NCEES) to verify qualifications. (12 AAC 36.105)
- 3. Intern architects who apply to sit for the Architect Registration Examination (ARE) in Alaska must submit an “NCARB Council Record in Support of Application for Examination”. This council record must include verification of a NAAB degree or compliance with NCARB's education standard (per the current publication). (12 AAC 36.060)
- 4. An architectural associate may qualify for early testing if they submit a Record Summary to support ARE Eligibility.

## F. Continuing Education

Staff is authorized to approve continuing education audits where there is no question that the criteria in the regulation have been met. Where a question exists, the audit will be brought to the Board for review. 08-4052 (Rev 03/14/19)



THE STATE  
of **ALASKA**

Department of Commerce, Community,  
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND  
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500  
Anchorage, AK 99501-3567  
Main: 907.269.8160  
Fax: 907.269.8156

**MEMORANDUM**

DATE: May 03, 2023  
TO: Architects, Engineers, and Land Surveyors  
THRU: Sonia Lipker, Chief Investigator *SLP*  
FROM: Patrick Kase, Investigator  
RE: Investigative Report for the May 10, 2023 Meeting

The following information was compiled as an investigative report to the Board for the period of January 31, 2023 thru May 03, 2023; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegals in Anchorage and Juneau, regarding continuing education audits and license action resulting from those matters are covered in this report.

**OPEN - 17**

<b><u>Case Number</u></b>	<b><u>Violation Type</u></b>	<b><u>Case Status</u></b>	<b><u>Status Date</u></b>
<b>ENGINEER</b>			
2022-000008	Violation of licensing regulation	Intake	01/04/2022
2022-001200	Unlicensed practice or activity	Intake	12/28/2022
2018-000851	Unprofessional conduct	Complaint	07/31/2018
2020-000410	Unprofessional conduct	Complaint	04/28/2020
2020-000411	Unprofessional conduct	Complaint	04/28/2020
2022-000707	Continuing education	Complaint	06/27/2022
2020-000840	Negligence	Monitor	
2021-000423	Unprofessional conduct	Monitor	02/22/2023
2022-000690	Continuing education	Investigation	12/14/2022
2022-000710	Continuing education	Investigation	03/06/2023

**LAND SURVEYOR**

2022-000330	Unlicensed practice or activity	Intake	04/11/2022
2023-000082	Unlicensed practice or activity	Intake	01/26/2023
2023-000265	Incompetence	Intake	03/31/2023
2023-000295	Incompetence	Intake	04/18/2023
2023-000355	Unprofessional conduct	Intake	05/01/2023
2021-000667	Unethical conduct	Complaint	09/27/2021
2021-000675	Negligence	Complaint	10/06/2021

**Closed - 8**

<b><u>Case #</u></b>	<b><u>Violation Type</u></b>	<b><u>Case Status</u></b>	<b><u>Closed</u></b>	<b><u>Closure</u></b>
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**ARCHITECT**

2022-000712	Continuing education	Closed-Investigation	03/22/2023	No Action - No Violation
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**ENGINEER**

2023-000159	License application problem	Closed-Intake	02/21/2023	Review Complete
2023-000305	License application problem	Closed-Intake	04/20/2023	Review Complete
2021-000561	Incompetence	Closed-Complaint	02/23/2023	No Action - No Violation
2022-000706	Continuing education	Closed-Investigation	02/21/2023	License Action

**LAND SURVEYOR**

2022-001132	Violation of licensing regulation	Closed-Complaint	02/23/2023	No Action - No Violation
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**MECHANICAL ENGINEER**

2022-000510	Continuing education	Closed-Investigation	02/21/2023	License Action
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**STRUCTURAL ENGINEER**

2022-000433	Continuing education	Closed-Investigation	02/21/2023	License Action
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***END OF REPORT***

## Investigative Committee Meeting

DATE: March 14, 2023, 12:00pm

### Attendees:

Erika Prieksat

Patrick Kase

Sarah Neal

Ed Leonetti

Elizabeth Johnston

Jake Maxwell

### Agenda:

1. Continue working with the department to reviewing disciplinary matrix
2. Reviewing the top three license types
3. Bring back ideas newsletter

Committee reviewed the excel file which included the 2009 matrix, 2023 matrix with supporting documentation.

Consensus was the 2009 "Sanction Guidelines" are outdated and not used. Committee agreed to move forward with the 2023 revised matrix. Discussion around criminal vs civil penalty and how to represent it in the matrix – conclusion was to include "criminal" in the Aggravated sanction. Committee agreed to add Aggravating and mitigating circumstances to the bottom of the matrix. It was also discussed and agreed to add a case precedence column and a Board recommendations column– this could help future board members and facilitate consistent reviews.

We discussed the top three license type violations and concluded that the Department will provide case precedence for CUE's licensing application and unlicensed practices. The Department will provide cases to Staff by May 1 so they can be included in the board report. Information will be added to a Investigations subcommittee subfolder in onboard.

Ideas for the newsletter will be discussed when license type violations are sent to the subcommittee.

Meeting concluded at 12:47pm.

<b>Violation</b>	<b>Mitigated Sanction</b>	<b>Normal Sanction</b>
Practice with expired license	LOA	Censure, Civil Fine
Practice with revoked or suspended license	Censure, Civil Fine up to \$1k	Censure, Civil Fine up to \$5k
Violation of Licensing regulation - Undated Seal	LOA	Censure, Civil Fine up to \$1k
Violation of Board Order	Censure, Civil Fine up to \$1k	Censure, Civil Fine up to \$5k
Conflict of Interest	LOA	Censure, Civil Fine up to \$1k
Reciprocal discipline (Action taken in another state)	LOA	Censure
Non-compliance with standards	LOA, CE	Censure, Civil Fine up to \$1k
Misconduct	LOA	Censure, Suspension (medium)
Ethics Violations	LOA, CE (ethics)	Censure, Civil Fine up to \$1k, CE (ethics)
Simple Negligence	LOA	Censure, CE, Monitoring
Gross Negligence	Censure, Civil Fine up to \$1k	Suspension (medium), Civil Fine up to \$2.5k
Incompetency	Censure, CE, Restitution	Suspension (short), Civil Fine up to \$2.5k
Stamping documents or altering previously stamped documents that were not prepared by or under the supervision of the licensee	LOA	Censure, Civil Fine up to \$2.5k, Suspension (short)
Unlicensed Practice (individual)	LOA	Censure, Civil Fine up to \$5k
Unlicensed Practice (corporate registration)	LOA	Censure, Civil Fine up to \$5k

Perjury, bribery, false certifications	LOA	Censure, Civil Fine up to \$2.5k
Felony Conviction	LOA	Censure, Civil Fine up to \$5k Suspension
Application fraud or deceit	Censure, Civil Fine up to \$1k	(significant), monitoring
Working Beyond Scope	LOA	Censure, Civil Fine up to \$1k
Aiding and abetting unlicensed practice	LOA	Probation, Civil Fine up to \$5k
Malpractice (individual)	LOA	Censure, Civil Fine up to \$5k
Malpractice (corporate)	LOA	Censure, Civil Fine up to \$5k
Violation of CE Requirements	LOA	Censure, Civil Fine \$2500 for false/inaccurate response with \$2,000 suspended; plus \$50 unsuspended for each deficient hours up to \$1,000 maximum, Licensee must make up deficiency, mandatory audit (2)

NOTES: ▪ This chart is intended to be used in conjunction with the attached Agg  
▪ The potential Sanction in the chart is an average sanction where aggravating a  
▪ Where aggravating circumstances outweigh mitigating circumstances, the leve



**Aggravated Sanction****Statute/Regulatory Authority****Case Precedence**

Revocation,

Civil or Criminal Fine,

Refer to AG

Revocation,

Civil or Criminal Fine,

Refer to AG

Revocation,

Civil Fine up to \$5k

Revocation, Civil or Criminal Fine

Refer to AG

Suspension (significant),

CE (ethics)

Sanctions up to terms of

original order in other state

Revocation,

Civil Fine up to \$2.5k

Suspension (significant),

Civil Fine up to \$2.5k

Suspension (significant),

Civil Fine up to \$2.5k CE (ethics)

Revocation

Revocation,

Civil Fine up to \$5k,

Refer to AG

Suspension (medium),

Civil Fine up to \$5k

Revocation,

Civil Fine up to \$5k

Suspension (medium),

Civil Fine up to \$5k, Criminal fine up to \$10K

Refer to AG (1-year imprisonment)

Suspension (significant),

Civil Fine up to \$5k, Criminal fine up to \$10K

Refer to AG

Suspension (significant),  
Civil Fine up to \$5k, Criminal fine up to \$10K  
Refer to AG  
Suspension (significant),  
Civil Fine up to \$5k  
Revocation,  
deny issuance of license,  
Civil Fine up to \$5k  
Suspension (significant),  
Civil Fine up to \$2.5k  
Revocation,  
Civil Fine up to \$5k, Criminal fine up to \$10K  
Refer to AG  
Probation (significant),  
CE,  
Reexamination,  
Refer to AG  
Probation (significant),  
Refer to AG

Censure,  
Civil Fine \$2500 for false/inaccurate response with \$2,000 suspended; plus \$50 unsuspended for each deficient hours up to \$1,000 maximum,  
Licensee must make up deficiency,  
mandatory audit (2)

Aggravating and Mitigating Circumstances.  
Aggravating and mitigating circumstances balance each other.  
Level of sanction will increase, and vice versa.

**Board Recommendation**

## Sanction Guidelines

**TABLE OF SANCTIONS**

Violation	Minimum	Medium	Maximum
Practice with expired license	Compliance, Cost to reinstate license	Consent Agreement/with reprimand, up to \$5,000 fine	Up to \$10,000 fine and/or imprisonment up to one year.referral to th Attorney General
Practice with revoked or suspended license.	Consent Agreement/with reprimand, up to \$1,000 fine	Up to \$5,000 fine	Indefinite revocation of license, Up to \$10,000 fine and/or 1 year imprisonment, referral to the Attorney General
Violation of Licensing Regulation, Undated Seal.	Letter of Advisement w/compliance	Consent Agreement/with reprimand, up to \$1,000 fine	Up to \$5,000 fine
Violation of Board Order.	Consent Agreement/with reprimand, up to \$1,000 fine	Up to \$5,000 fine	Indefinite revocation of license, referral to the Attorney General
Conflict of interest	Letter of Advisement	Consent Agreement/with reprimand, up to \$1,000 fine	summary suspension of license up to 2 years, up to \$2,500 fine, ethics course.
Reciprocal discipline (Action taken in another State).	Letter of Advisement	Consent Agreement/with reprimand	Sanctions up to terms of origina order in other state.
Non-compliance with standards.	Letter of Advisement, corrective action	Consent Agreement/with reprimand, up to \$1,000 fine	Indefinite revocation of license,and up to \$2,500 fine
Misconduct	Letter of Advisement	Consent Agreement/with reprimand, summary suspension of license up to 1 year, up to \$1,000 fine	Summary suspension of license up to 2 yrs, up to \$2,500 fine
Ethics Violations	Letter of Advisement	Consent Agreement/with reprimand,up to \$1,000 fine, ethics course	summary suspension of license up to 2 years, up to \$2,500 fine, ethics course.
Simple Negligence	Letter of Advisement	Consent Agreement/with reprimand	Summary suspension of license up to 3 months
Gross Negligence	Consent Agreement/with reprimand, up to \$1,000 fine	Summary suspension of license up to 1 year, up to \$2,500 fine	Indefinite revocation of license, up to \$5,000 fine, referral to Attorney General.
Incompetency	Consent Agreement/with reprimand, remedial education, restitution	Summary suspension of license and/or probation up to 6 months, up to \$2,500 fine	Summary suspension of license and/or probation up to 1 year, up to \$5,000 fine.
Stamping documents or altering previously stamped documents that were not prepared by or under the supervision of the licensee.	Letter of Advisement	Consent Agreement/with reprimand, up to \$2,500 fine, summary suspension of license and/or probation up to 6 months.	up to \$5,000 fine, Indefinite revocation of license

3/9/2009

### Sanction Guidelines

Unlicensed Practice (individual).	Letter of Advisement	Consent Agreement/with reprimand, up to \$5,000 fine	Summary suspension and/or probation up to up to \$10,000 fine, and imprisonment, Referral to Attorney General
Unlicensed Practice (Corporate Registration).	Letter of Advisement	Consent Agreement/with reprimand, up to \$5,000 fine	Summary suspension Corporate license for 1 year, up to \$10,000 fine to the Attorney General
Perjury, Bribery, False Certifications.	Letter of Advisement	Consent Agreement/with reprimand, up to \$2,500 fine	Summary suspension years, up to \$5,000, In revocation of license, to the Attorney General
Felony Conviction	Letter of Advisement	Consent Agreement/with reprimand, up to \$5,000 fine	Summary suspension license and/or probation year, up to \$10,000 fine Indefinite revocation of
Application fraud or deceit.	Consent Agreement/with reprimand, up to \$1,000 fine	Summary suspension of license and/or probation up to 2 years.	Indefinite revocation, c issuance of license, up fine.
Working Beyond Scope.	Letter of Advisement	Consent Agreement /with reprimand, up to \$1,000 fine	Summary suspension and/or probation up to to \$2,500 fine.
Aiding and abetting unlicensed practice.	Letter of Advisement	Consent Agreement/with reprimand, summary suspension and/or probation up to 2 years, up to \$5,000 fine	Indefinite revocation of up to \$10,000 fine, referral to Attorney General.
Malpractice (Individual).	letter of Advisement	Consent agreement/with reprimand, up to \$5,000 fine.	Summary suspension probation up to 1 year, education, Indefinite revocation of license, referral to Attorney General.
Malpractice (Corporate)	Letter of Advisement	Consent Agreement /with reprimand, up to \$5,000 fine.	Summary suspension probation up to 2 years; revocation of license, up to \$10,000 fine, referral to Attorney General.

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**Sec. 08.48.111. Power to revoke, suspend, or reissue certificate.** The board may suspend, refuse to revoke the certificate of or reprimand a registrant, corporation, limited liability company, or limited liability partnership who is found guilty of (1) fraud or deceit in obtaining a certificate; (2) gross negligence, incompetence, or misconduct in the practice of architecture, engineering, land surveying, or landscape architecture; (3) violation of this chapter, a regulation adopted under this chapter, or the code of ethics or professional conduct adopted by the board. The code of ethics or professional conduct shall be distributed in writing to every registrant and applicant for registration under this chapter. This publication and distribution of the code of professional conduct constitutes due notice to all registrants. The board may revise and amend its code of professional conduct. If the board does so, shall immediately notify each registrant in writing of the revisions or amendments. The board may, upon petition of the registrant, corporation, limited liability company, or limited liability partnership, reissue a certificate if a majority of the members of the board vote in favor of the reissuance.

**Sec. 08.48.121. Disciplinary action and procedure.** Any person may file with the secretary of the board a charge of fraud, deceit, gross negligence, incompetence, misconduct, or violation of this chapter, or a violation of the code of ethics or professional conduct adopted under it, or the code of ethics of the board. The charge, constituting an accusation under the Administrative Procedure Act, shall be in writing and sworn to by the person making it. A charge dismissed by the board as unfounded or trivial.

**Sec. 08.48.291. Violations and penalties.** A person who practices or offers to practice architecture, engineering, land surveying, or landscape architecture in the state without being registered or authorized to practice in accordance with the provisions of this chapter, or a person presenting or attempting to use the certificate or the seal of the board or a person who gives false or forged evidence of any kind to the board or to a member of the board in order to attempt to obtain a certificate, or a person who impersonates a registrant, or a person who uses or attempts to use an expired or revoked or nonexistent certificate, knowing of the certificate's status, or a person who falsely represents himself or herself to be registered and authorized to practice under this chapter, or a person who violates any of the provisions of this chapter, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$10,000, imprisonment for not more than one year, or by both.

(f) Notwithstanding (b) of this section, the board may require an applicant for reinstatement who has been sanctioned for any of the conduct described in 12 AAC 36.320 in the ten years preceding the application for reinstatement to be re-examined under 12 AAC 36.100.

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**Sec. 08.01.075. Disciplinary powers of boards.** (a) A board may take the following di  
or in combination:

- (1) permanently revoke a license;
- (2) suspend a license for a specified period;
- (3) censure or reprimand a licensee;
- (4) impose limitations or conditions on the professional practice of a licensee;
- (5) require a licensee to submit to peer review;
- (6) impose requirements for remedial professional education to correct deficiencies i  
and skill of the licensee;
- (7) impose probation requiring a licensee to report regularly to the board on matters  
probation;
- (8) impose a civil fine not to exceed \$5,000.

(b) A board may withdraw probationary status if the deficiencies that required the sanct

(c) A board may summarily suspend a licensee from the practice of the profession bef  
or during an appeal if the board finds that the licensee poses a clear and immediate dange  
safety. A person is entitled to a hearing conducted by the office of administrative hearings  
the summary suspension within seven days after the order of suspension is issued. A pers  
decision of the board on an appeal of a summary suspension to a court of competent jurisdic

(d) A board may reinstate a suspended or revoked license if, after a hearing, the board  
able to practice the profession with skill and safety.

(e) A board may accept the voluntary surrender of a license. A license may not be i  
determines that the licensee is competent to resume practice and the licensee pays the appro

(f) A board shall seek consistency in the application of disciplinary sanctions. A  
significant departure from prior decisions involving similar facts in the order imposing the s



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(AS 44.64.010) to appeal  
on may appeal an adverse  
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finds that the applicant is

returned unless the board  
ppriate renewal fee.  
A board shall explain a  
sanction.

## Disciplinary Powers

Revocation	Permanent
Suspend a license for a specified period	Short: up to 2 months Medium: up to 1 year Significant: more than 1 year
Censure or reprimand a license	Public discipline that declares the conduct improper, but does not limit the license
Impose limitations or conditions on the professional practice of a licensee	Restriction on scope of practice
Require a licensee to submit to peer review (monitoring)	
Impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee	
Probation	Short: up to 6 months Medium: up to 1 year Significant: more than 1 year
Impose a civil fine not to exceed \$5,000	
Re-examination	Allowed for reinstatement of a sanctioned licensee within 10 years
<b>Non-disciplinary Powers</b>	
Non-disciplinary letter of advisement	Admonition or private reprimand. It is a form of non-public discipline

nit the right to work

that informs them the conduct was improper, not warranted, or otherwise unacceptable, but does not l

limit the right to work

**AGGRAVATING CIRCUMSTANCES** An aggravating circumstance is any factual information or evidence regarding the registrant or the violation that might result in an increased sanction. Aggravating circumstances include:

- Prior disciplinary history
- Number of projects involved in the case
- Number of total violations involved in the case
- Pattern of similar violations
- Significant financial harm
- Refusal to correct work when warranted
- Evidence that the violation was willful or intentional
- Evidence that the violation was grossly negligent
- Failure to exercise due diligence in the supervision of others
- Refusal to acknowledge violation
- Lack of cooperation with investigation
- Submission of false statements or evidence, or other deceptive practices (e.g., creating or adding to work file aft
- Intimidation of or threats to witnesses or others involved with the investigation
- Caused the life, health, or safety of a member of the public to be placed in jeopardy of death or injury
- Caused property to be placed in jeopardy of loss or injury
- Caused the design of a project to be unusable or unsafe
- Caused a land survey to be unusable

ter complaint filed)

MITIGATING CIRCUMSTANCES A mitigating circumstance is any information or evidence regarding the registrant or the violation that might result in a decreased sanction. Mitigating circumstances include:

- Length of time since the date of violation
- No prior disciplinary history
- No other complaints currently pending against licensee
- No pattern of similar offenses
- No evidence that the violation was willful or intentional
- No evidence that the violation was grossly negligent
- Licensee was under the supervision of another at the time
- Additional education taken and/or experience gained after violation occurred
- Cooperation with investigation
- Little or no financial harm to the public or consumer
- Little or no undue harm by action or nonaction

<b>Type of Cases Opened</b>	
Continuing education	47
Falsified application	8
Financial scam	1
Fraud or misrepresentation	3
Incompetence	4
License application review	173
Negligence	2
Probation	1
Unethical conduct	4
Unlicensed practice or activity	19
Unprofessional conduct	7
Violating professional ethics	2
Violation of licensing regulation	25
<b>Grand Total</b>	<b>296</b>



Level	Violation
1	<p>Minor violations that do not involve the Code of Ethics or Competency.</p> <p>Technical errors or carelessness where appraiser would benefit from education and that do not involve the Ethics Rule or Competency Rule.</p> <p>Minor violations of the Ethics Rule and/or Competency Rule. Other violations that rise to the level of affecting the creditability of an assignment.</p>
2	
3	
4	<p>Significant violations, including violations of the Ethics Rule and/or Competency Rule.</p>
5	<p>Significant Ethics Rule and/or Competency Rule violations or willful violations.</p>

## Potential

Letter of warning or equivalent; censure; corrective education (CE); small fine; or any combination of above.

Formal Reprimand or equivalent; corrective education (CE that cannot be used for CE for renewal); short probation; monitoring; small to moderate fine; or any combination of above.

Formal Reprimand or equivalent; corrective education (CE that cannot be used for CE for renewal); short suspension; medium probation; monitoring; restriction on scope of practice, area of practice or ability to supervise; moderate fine; payment of restitution and/or costs; or any combination of above.

Formal Reprimand or equivalent; significant amount of corrective education (CE that cannot be used for CE for renewal); significant suspension; significant probation; monitoring; restriction on scope of practice, area of practice or ability to supervise; large fine; successful completion of national exam; or any combination of above.

Revocation or Voluntary Surrender in lieu of disciplinary action with or without large fine, payment of restitution and/or costs.

**The Alaska State Board of Registration for Architects, Engineers, and Land Surveyors (AELS),**  
**Outreach Committee – Annual Report**

**May 2, 2023**

The AELS outreach committee is instrumental in ensuring that the board effectively engages with its stakeholders, including licensed professionals, aspiring licensees, employers, and the public. The primary objective of the outreach committee is to promote the board's mission and values, increase awareness of its policies and procedures, and enhance its reputation as a fair and transparent regulatory body.

In-person meetings are important to the outreach committee because they allow for personal connections, effective communication, collaboration, creativity, and better decision-making. While virtual meetings have their benefits, in-person meetings cannot be replaced in building relationships and reaching successful outcomes.

Here are some ways that the outreach committee can achieve its objectives:

1. Increase communication with stakeholders: The committee can develop a communication plan that outlines how the board will communicate with stakeholders, including email newsletters, social media, and website updates. The committee can also hold regular stakeholder meetings to solicit feedback and provide updates on the board's activities.
2. Educate aspiring licensees: The committee can develop resources that educate aspiring licensees on the requirements for obtaining a license, including the application process, examination requirements, and continuing education requirements. The committee can also provide guidance on how to prepare for the licensing exam and how to navigate the application process.
3. Foster partnerships with employers: The committee can develop partnerships with employers in the industry to increase awareness of the board's licensing requirements and ensure that employers are aware of the board's role in regulating the profession. The committee can also work with employers to identify emerging trends in the industry that may impact licensing requirements.
4. Enhance transparency: The committee can develop policies and procedures that promote transparency and fairness in the board's decision-making processes. This can include developing guidelines for how the board will review and evaluate license applications and complaints, as well as how it will communicate its decisions to stakeholders.
5. Promote professionalism: The committee can develop initiatives that promote professionalism within the industry, including continuing education opportunities and professional development resources. The committee can also develop guidelines for ethical conduct and promote adherence to these standards among licensees.

In summary, the AELS outreach committee is crucial to ensuring that the board effectively engages with its stakeholders and promotes its mission and values. By increasing communication, educating aspiring licensees, fostering partnerships with employers, enhancing transparency, and promoting professionalism, the committee can help the board achieve its objectives and maintain its reputation as a fair and transparent regulatory body.

**The Alaska State Board of Registration for Architects, Engineers, and Land Surveyors (AELS),**  
**Outreach Committee – Annual Report**

**May 2, 2023**

AELS Board meeting schedule and outreach events planned for 2023;

- |          |   |  |
|----------|---|--|
| March    | - | Juneau “in-person” meeting cancelled<br>Planned to meet with Legislators to discuss upcoming changes to statutes and current bills affecting licensure |
| May      | - | Meet with Structural Engineers Association of Alaska (SEAAK)<br>Discuss revised statutes to accommodate the updated NCEES exam                         |
| August   | - | Tentative meeting with Society for Marketing Professional Services (SMPS)  |
| November | - | Tentative meeting with Alaska Professional Design Council (APDC)   |